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DOCUMENTS SECTION

PENNSYLVANIA PUBLIC SCHOOL CODE OF 1949

ACT OF 1949, P.L. 30, NO. 14
Revised April 19, 1979

"PUBLIC SCHOOL CODE OF 1949"
Act of 1949, P.L. 30, No. 14

AN ACT

Relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

TABLE OF CONTENTS.

ARTICLE I.
PRELIMINARY PROVISIONS.

Section 101. Short Title and Effective Date.
Section 102. Definitions.
Section 103. Excluded Provisions.
Section 104. Saving Clause.
Section 105. Right of Appeal Saved.
Section 106. Publication of Notices, etc.; Proofs of Publication.
Section 107. Compensation for Services or Additional Services.
Section 108. Religious or Political Tests, etc., Prohibited.
Section 109. Disposition of Fines.

ARTICLE II.
SCHOOL DISTRICTS.

(a) Designation and Classification.

Section 201. How Constituted.
Section 202. Classification.
Section 203. Creation of New Cities, Boroughs, and Townships.
Section 204. Basis for and Change of Classification.
Section 205. Change of Class; How Effected.

(b) Powers and Duties, etc.

Section 211. General Powers of Districts.
Section 212. Corporate, Seal.
Section 213. Right to Sue and be Sued.
Section 214. Competency as Witnesses.
Section 215. Conveyances by Districts.
Section 216. Gifts to Districts; Investment Accounts.
Section 217. Unlawful Gifts.

(c) Changes in Districts.

Section 224. Combination of School Districts.
Section 225. Property and Indebtedness and Rental Obligations of Former Component School Districts.
Section 226. Change in Districts; When Effective.

Section 227. Filing Copy of Action Creating New District, or Affecting Fourth Class District, with Superintendent of Public Instruction.
Section 228. Approval or Disapproval of Creation or Change of Third or Fourth Class Districts.
Section 229. Annexation to District of First Class.
Section 230. Approval of Contracts and Changes after Vote for Annexation.
Section 231. Tax Levy or Debt for Buildings or Grounds Pending Change of Boundaries etc.
Section 232. Special Tax Directed by Court.

(d) Independent Districts.

Section 241. Creation of Independent Districts. (Repealed)
Section 242. Approval of Fourth Class Districts; Adjustment of Indebtedness; Costs. (Repealed)
Section 242.1. Establishment of Independent Districts for Transfer of Territory to Another School District.
Section 243. Abolition of Independent Districts. (Repealed)

(e) Union Districts.

Section 251. How Formed. (Repealed)
Section 252. Return of Election. (Repealed)
Section 253. When Established; Classification. (Repealed)
Section 254. Liabilities and Property of Component Districts. (Repealed)
Section 255. Validation of Certain Union School Districts. (Repealed)

(f) Merger of Districts.

Section 261. Standards and Regulations; Approval of Plans. (Repealed)
Section 262. County-Wide Plans for Merger, etc. (Repealed)
Section 263. Petitions and Elections for Mergers; Returns; When Effective. (Repealed)
Section 263.1. Mergers; Voting Partial Mergers. (Repealed)
Section 264. Merged Districts; Assets and Liabilities. (Repealed)

(g) Apportionment of Property and Indebtedness.

Section 271. Amicable Adjustment and Apportionment.
Section 272. Apportionments; How and When Made.
Section 273. Apportionment by Commissioners.
Section 274. Confirmation of Report; Effect; Costs.

Section 275. Court to Dispose of Exceptions.
Section 276. Apportionment by Bill in Equity.
Section 277. Districts in More Than One County.

(h) Reorganization of School Districts. (Repealed)

Section 281. Standards for Organization of Administrative Units.
Section 282. Submission of Plans.
Section 283. Approval of Plans.
Section 284. Disapproval of Plans.
Section 285. Department of Public Instruction to Prepare Plans.
Section 286. Establishment of Reorganized School Districts.

(i) Reorganization.

Section 290. Purpose; Construction of Subdivision.
Section 290.1. Educational Performance Standards.
Section 291. Standards for Organization of Administrative Units.
Section 292. Submission of Plans.
Section 292.1. Independent Districts.
Section 293. Approval of Plans.
Section 293.1. Independent Districts.
Section 293.2. Consolidation of Municipalities.
Section 294. Disapproval of Plans.
Section 295. Department of Public Instruction to Prepare Plans.
Section 296. Establishment of Reorganized School Districts.
Section 297. Advance Establishment.
Section 298. Property and Indebtedness and Rental Obligations of Former School Districts.

ARTICLE III.
SCHOOL DIRECTORS.

Section 301. Board of Directors; Election or Appointment.
Section 302. Number and Appointment in Districts First Class and First Class A; Reorganized District of First Class A Containing Former Districts of Second, Third or Fourth Class: Terms of Office.
Section 302.1. School Board in First Class A School Districts; Apportionment of Seats, and Numbers, Terms, and Methods for Election of School Directors in First Class A School Districts.
Section 303. Number and Election in Districts of the Second, Third and Fourth Classes; Terms of Office.
Section 303.1. Incumbent School Directors and Interim Operating Committee.
Section 304. Number and Election in Districts Third Class; Terms of Office.
Section 305. Number and Election in Districts Fourth Class; Terms of Office.
Section 306. Elections Where District Not Coextensive With, or in More than One City, Borough, Town or Township.

Section 307. Newly Formed Districts.
Section 308. Elections or Appointments in Newly Formed Districts.
Section 309. Change of Class of Districts.
Section 310. Annexation of Territory.
Section 311. Appointment or Election in Independent Districts; Terms of Office. (Repealed)
Section 311.1. Appointment in Independent Districts for Transfer Purposes; Terms of Office.
Section 312. Union and Merged Districts. (Repealed)
Section 313. Merged Districts. (Repealed)
Section 314. Two or More Persons Receiving Same Number of Votes.
Section 315. Filling of Vacancies.
Section 316. Vacancies in Majority of Members.
Section 317. Vacancies in All Members.
Section 318. Removal for Failure to Organize or Neglect of Duty.
Section 319. Vacancy where Director Fails to Qualify or Attend Meetings.
Section 320. Notification of Election.
Section 321. Compensation; Oath of Office.
Section 322. Eligibility; Incompatible Offices.
Section 323. Ineligibility.
Section 324. Not to be Employed by or do Business with District; Exceptions.
Section 325. Offering Bribes; Penalty.
Section 326. Receiving Bribes; Penalty.
Section 327. Demanding, etc., Gratuities from Teachers or Supervisors; Withholding State Appropriations.

ARTICLE IV

Organization Meetings And Officers Of Boards Of School Directors.

(a) General Provisions.

Section 401. Beginning of School Year; Organization Meetings.
Section 402. Notice of Organization Meetings; Temporary Officers; etc.
Section 403. Districts First Class and First Class A Permanent Organization; Election of Officers.
Section 404. Districts Second, Third and Fourth Class Permanent Organization; Election of Officers.
Section 405. President or Secretary Pro. Tem.
Section 406. Solicitor and Other Appointees.
Section 407. Rules and Regulations.
Section 408. Records, etc., Open to Taxpayers.
Section 409. Payment of Premiums on Officers' Bonds by School Districts.

(b) Meetings.

Section 421. Times and Places.
Section 422. Quorum; Filling Vacancies.
Section 423. Special Meetings.

Section 424. Meetings Open to Public. (Repealed)

(c) President and Vice-President.

Section 426. President to Preside; Calling Special Meetings.
Section 427. Duties of President.
Section 428. Duties of Vice-President.

(d) Secretary.

Section 431. Bond.
Section 432. Compensation.
Section 433. Duties.
Section 434. Assistant Secretary.

(e) Treasurer.

Section 436. Bond.
Section 437. Audit of Accounts.
Section 438. Compensation.
Section 439. Receipt and Payment of School Funds.
Section 440. Deposit of Funds; Monthly Reports.
Section 440.1. Temporary Investment of School District Funds.
Section 441. Settlement of Accounts.
Section 442. Other Duties; Payment of Balance to Successor.
Section 443. Embezzlement; Penalty.

ARTICLE V.
Duties And Powers Of Boards
Of School Directors.

Section 501. Elementary Schools.
Section 502. Additional Schools and Departments.
Section 503. Kindergartens.
Section 504. Cafeterias.
Section 505. Establishment and Maintenance of Consolidated Schools.
Section 506. Duty to Consolidate Schools.
Section 507. General Power; Taxation.
Section 508. Majority Vote Required; Recording.
Section 509. Supervision over Schools; Visitation. (Repealed)
Section 510. Rules and Regulations; Safety Patrols.
Section 510.1. Special School Watchmen-School Districts in Townships of the Second Class.
Section 511. School Athletics, Publications, and Organizations.
Section 512. Advertising for Bids in Trade Journals.
Section 513. Group Insurance Contracts.
Section 514. Removal of Officers, Employes, etc.
Section 515. Rights and Powers Preserved.
Section 516. State Convention or Association; Delegates; Expenses; Membership.
Section 516.1. Expenses for Attendance at Meetings of Educational or Financial Advantage to District.
Section 517. Attendance of Superintendents, etc., at Educational Conferences, and of Pupils

at State Farm Show, etc.; Expenses.
Section 518. Retention of Records.
Section 519. Copies of School Laws.
Section 520. Temporary Emergency War Provisions.
Section 520.1. Temporary Emergency Provisions.
Section 521. Joint Action with Other Political Subdivisions.
Section 522. Payments of Salaries of Professional Employes Granted Leaves of Absence as Exchange Teachers Authorized; Rights Preserved.
Section 522.1. Payments of Contributions to the School Employes' Retirement Fund on Account of School Employes on Approved Leaves of Absence for Professional Study Authorized; Service Credits.
Section 523. Educational Broadcasting.
Section 524.
Section 525. Establishment and Operation of Educational Television and Broadcasting Facilities.
Section 526. Funds for Traffic Control Devices.

ARTICLE VI.
School Finances.

(a) General Provisions.

Section 601. Information to Incoming Directors for Tax Levy and Budget.
Section 602. Tax Levies.
Section 603. Only One Annual Tax Levy.
Section 604. Property Acquired by State for Water Conservation or Flood Prevention.
Section 605. Affidavit of Uncollectability of Taxes on Real Property.
Section 606. Collection of Taxes Where New District Created.
Section 607. Payments; How Made; Limitations.
Section 608. Liability for Improper School Orders.
Section 609. Budgeted Funds not to be Used for Other Purposes or Exceeded.
Section 610. Use of School Funds; Illegal Use.
Section 611. Enforcement of Judgments Against School Districts.
Section 612. Counsel Fees on Appeals from County Auditors' Reports.

(b) School Depositories.

Section 621. Designation of Depositories; Bond.
Section 622. Collateral in Lieu of Bond.
Section 623. Insurance of Deposits of Funds.
Section 624. Monthly Reports by Depositories.
Section 625. Deposit of School Funds; Treasurer Relieved of Liability; School Orders.

(c) Indebtedness.

Section 631. Power to Incur Debt; Limitations.
Section 632. Assent of Electors; When Necessary and When Not Necessary.
Section 633. Reports to Secretary of Education; Withholding State Appropriations.

Section 634. Temporary Debt.
Section 635. Limit on Temporary Debt for Current Expenses and Debt Service.
Section 636. Emergency Loans for Current Expenses and Debt Service.
Section 637. Limit on Temporary Debt for Permanent Improvements, etc.; Tax Levy.
Section 638. Temporary Debt for Permanent Improvements etc.; Payment.
Section 639. Limit on Temporary Debt in Anticipation of Bond Issue; Payment.
Section 640. Borrowing in Anticipation of Current Revenue.

(d) First Class School District.

Section 651. Fiscal Year.
Section 652. Tax Levy; Purposes; Limitations.
Section 652.1. Taxing Power of Elected Board of Public Education of School Districts of the First Class A.
Section 653. Tax Levy for Indebtedness of Prior Districts.
Section 654. Tax Rates to be Expressed in Dollars and Cents.
Section 655. Property Taxable.
Section 655.1. Tax on Owners of Ground Rents.
Section 656. Certification of Assessments.
Section 657. Certification of Levy; Collection.
Section 658. Bond of Collector; Neglect to Furnish.
Section 659. Compensation; Stationery; Books; Clerks.
Section 660. Monthly Reports; Payment of Taxes Collected.
Section 661. Annual Reports.
Section 662. Liens of Unpaid Taxes.
Section 663. Per Capita Tax; Districts First Class less than 1,500,000 Population. (Repealed)
Section 664. Annual Budget; Advertising; Public Hearing.
Section 665. Emergency Appropriations.
Section 666. Limit of Indebtedness.

(e) Second, Third and Fourth Class School Districts.

Section 671. Fiscal Year.
Section 672. Tax Levy; Limitations.
Section 672.1. School Districts Lying in More Than One County or in More Than One Municipality; Limitation on Total Tax Revenues.
Section 673. Tax Rates to be Expressed in Dollars and Cents.
Section 674. Property Subject to Tax; Districts Second Class.
Section 675. Certification of Assessments, etc.; Districts Second Class.
Section 676. Property Subject to Tax; Districts Third and Fourth Class.
Section 677. Certification of Assessments, etc.; Districts Third and Fourth Class.
Section 677.1. Additions and Revisions to Duplicates.
Section 678. Duplicates to Include Certain Territory.
Section 679. Per Capita Taxes.
Section 680. List of Residents for Per Capita Tax Purposes.

Section 681. Certification of Levy.
Section 682. Tax Duplicates and Warrants.
Section 683. Appointment of Tax Collector in Certain Cases.
Section 684. Bond of Appointed Collectors.
Section 685. Disqualification for Reappointment, etc.
Section 686. Delinquent Taxes; Appointment of Collector; etc.
Section 687. Annual Budget; Additional or Increased Appropriations; Transfer of Funds.

(f) Capital Reserve Fund for School Building Project Programs Approved by the Department of Public Instruction.

Section 690. Creation of Capital Reserve Fund for Approved School Building Project Programs.
Section 691. Investment of Fund; Budget; Record.
Section 692. Expenditure of Fund.

(f) Distressed School Districts.

Section 691. When District Distressed.
Section 692. Special Board of Control; Petition; Appointments.
Section 692.1. When No Appointment Is Made.
Section 692.2. Compensation of Special Board of Control.
Section 693. Powers of Special Board of Control.
Section 694. Additional Tax.
Section 695. School Directors to Remain in Office; Elections.

ARTICLE VII
GROUNDS AND BUILDINGS.

(a) Duty to Provide; Acquisition and Disposition of Property.

Section 701. Duty to Provide; Conditions.
Section 701.1. Referendum or Public Hearing Required Prior to Construction or Lease.
Section 702. Location and Amount of Land; Playground.
Section 703. Acquisition of Buildings, Sites for School Buildings and Playgrounds, and Disposing Thereof.
Section 703.1. Lease of Building or Portions of Buildings Constructed or Altered for School Use.
Section 704. Acquisition and Disposition of Property in Other District; Freedom from Taxation.
Section 705. Residences for Teachers and Janitors.
Section 706. Parks; Playgrounds; etc.
Section 707. Sale of Unused and Unnecessary Lands and Buildings.
Section 708. Abandonment of Property.
Section 709. Lease of Unused and Unnecessary Lands and Buildings.

(b) Eminent Domain.

Section 721. Condemnation of Land.
Section 722. Security for Damages; Fee Single Title.

Section 723. Appointment of Viewers; Notice.
Section 724. Duties of Viewers; Report; Notice.
Section 725. Confirmation of Report.
Section 726. Payment of Damages into Court.
Section 727. Exceptions and Appeals.
Section 728. Costs.

(c) Specific Requirements.

Section 731. Approval by Department of Plans, etc., of Buildings; Exceptions.
Section 731.1. Approval of Lease Agreements.
Section 732. Plans, etc., Furnished by State Council of Education.
(Repealed)
Section 733. Standards of State Board of Education.
Section 734. Heating and Ventilating Standards.
(Repealed)
Section 735. Advisory Committee on Standards.
Section 736. Heating Stoves to be Shielded.
Section 737. Ventilation; Thermometer.
Section 738. Fireproof Construction.
Section 739. Doors to Open Outward; Fire Escapes; etc.
Section 740. Water-closets or Out-houses.
Section 741. Substrata Evaluation.

(d) Contracts.

Section 751. Work to be Done Under Contract Let on Bids; Exception.
Section 752. Contracts to Require Competent Workmen.
Section 753. Stipulations for Minimum Wages.
Section 754. Contracts to Provide for Resident Workmen; Penalty.
Section 755. Contracts to Prohibit Discrimination Against Race, Creed or Color; Penalty.
Section 756. Additional Bond for Payment of Labor, Materials, etc.
Section 757. Actions by Sub-Contractors, etc., on Performance Bonds.
Section 758. Appropriations to Nonprofit Corporations for Constructing School Buildings.
Section 759. Appropriations to Nonprofit Corporations for Athletic Stadia etc.
Section 760. Completion of Abandoned WPA Projects, Districts Third and Fourth Class.

(e) General Provisions.

Section 771. Display of United States Flag; Development of Patriotism.
Section 772. Condition of Grounds; Shade Trees.
Section 773. Contracts for Light, Heat or Water; Acquiring Water Supply; Condemnation; Tapping District Water Lines.
Section 774. Insurance on Buildings; Public Liability Insurance for Employes; Purchase of Insurance from Employes, etc.
Section 775. Use of School Buildings for Other Purposes;

Arrangements with City, Borough or Township.
Section 776. School Property Exempt from Taxation and Municipal Assessments; Exception.
Section 777. Defacing, Injuring or Destroying Property Used for School Purposes; Penalty.
Section 778. School Police Officers.
Section 779. Vehicle Rules and Regulations and Penalties for Violations.

(f) State Public School Building Authority.

Section 781. Grants to State Public School Building Authority.
Section 782. Acquisition of Lands; Bond Issues.
Section 783. Appropriations; Use of Proceeds of Bond Issues.
Section 784. Contracts to Lease and Leases; Operation and Maintenance.
Section 785. Failure to Pay Rent; Witholding Appropriation.
Section 786. Joint Action of Districts.

(g) Municipality Authorities.

Section 790. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Municipality Authorities.

(h) Other Means of Financing.

Section 791. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Profit or Nonprofit Corporations, Partnerships, Associations, or Persons.

ARTICLE VIII.
Books, Furniture And Supplies.

Section 801. Purchases; Use in Schools; Rules and Regulations.
Section 802. Period of Use of Textbooks. (Repealed)
Section 803. Time and Manner of Adopting and Furnishing Textbooks and Supplementary Books.
Section 804. Use of School Books During Vacations.
Section 805. Classes of School Supplies; Purchasing Agent. (Repealed)
Section 806. Purchase of Supplies of the First Class, Costing $100 or More. (Repealed)
Section 807. Purchase of Supplies of the Second Class, Costing $300 or More. (Repealed)
Section 807.1. Purchase of Supplies.
Section 808. Employe of District as Agent.
Section 809. Giving or Offering Bribes; Penalty.
Section 810. Seeking or Receiving Bribes; Penalty.

ARTICLE IX.
School Directors' Associations And County Boards Of School Directors.

(a) School Directors Associations.

Section 901. Conventions and Special Meetings.
(Repealed)
Section 902. Notice and Place of Convention.
(Repealed)
Section 903. Expenses at Annual Conventions and Special Meetings.
(Repealed)
Section 904. Officers.
(Repealed)
Section 905. Executive Committee.
(Repealed)
Section 906. Auditors.
(Repealed)
Section 907. Ex-office Members of Executive Committee.
(Repealed)
Section 908. Payment of Expenses by County.
(Repealed)

(b) County Boards of School Directors.

Section 921. Elections; Vacancies; Qualifications; Removals.
(Repealed)
Section 922. Election of Officers.
(Repealed)
Section 923. Meetings; Filling of Vacancies.
(Repealed)
Section 924. Expenses of Members; Telephone, etc., Services.
(Repealed)
Section 925. Powers and Duties.
(925 (a) to (e) repealed Jan. 14, 1970 (1969), P.L.468, No.192; (f) added Jul. 24, 1970, P.L.613, No.205)
Section 926. Chief Executive Officer; Powers and Duties.
(Repealed)
Section 927. Audits.
(Repealed)
Section 928. Bond of Treasurer.
(Repealed)
Section 929. Compensation of the Secretary and Treasurer.
(Repealed)
Section 930. Professional and Temporary Professional Employes.
(Repealed)

ARTICLE IX-A.
Intermediate Units.

Section 901-A. Establishment of Intermediate Units.
Section 902-A. Arrangement of School Districts Into Intermediate Units.
Section 903-A. Transfer of Membership.
Section 904-A. Merger of Intermediate Units.
Section 905_A. Regulations.
Section 906-A. Program of Services.
Section 907-A. Subsidies for Services.
Section 908-A. Special Pupil Services.
Section 909-A. Vocational-Technical Education.

Section 910-A. Intermediate Unit Board of Directors.
Section 911-A. Annual Conventions.
Section 912-A. Election of Officers.
Section 913-A. Staff.
Section 914-A. Powers and Duties of the Intermediate Unit Board of Directors.
Section 915-A. Powers and Duties of Executive Director.
Section 916-A. Intermediate Unit Council.
Section 917-A. Allocations.
Section 918-A. General Operating Subsidy.
Section 919-A. Capital Subsidy.
Section 920-A. School District Payments.
Section 921-A. Financial Reports.
Section 922-A. Auxiliary Services; Nonpublic School Children. (Repealed)
Section 922.1-A. Auxiliary Services.
Section 923-A. Loan of Textbooks, Instructional Materials and Equipment, Nonpublic School Children.
Section 924-A. Annual Reports.

ARTICLE X
COUNTY, DISTRICT AND ASSISTANT SUPERINTENDENTS, AND SUPERVISORS OF SPECIAL EDUCATION.

(a) Provisions of General Application

Section 1001. Purpose.
Section 1002. Good Moral Character.
Section 1003. Eligibility.
Section 1004. Oath of Office.
Section 1005. Enforcement of Branches of Study; Withholding State Appropriations.
Section 1006. Reports.
Section 1007. Not to Engage in Teaching; Exceptions.
Section 1008. Additional Compensation and Interest in Sale or Adoption of Books or Supplies Prohibited.
Section 1009. Influencing Elections; Penalty.

(b) County Superintendents.

Section 1021. Election. (Repealed)
Section 1022. Time and by Whom Elected; Term of Office. (Repealed)
Section 1023. Notice of Convention to Elect County Superintendents. (Repealed)
Section 1024. Compensation and Mileage. (Repealed)
Section 1025. Officers of Convention. (Repealed)
Section 1026. Candidates' Proof of Eligibility. (Repealed)
Section 1027. List of Directors Entitled to Vote; Method of Voting. (Repealed)
Section 1028. Election Papers Filed with Prothonotary. (Repealed)
Section 1029. Certification of Results of Election.

(Repealed)
Section 1030. Commission from Superintendent of Public Instruction.
(Repealed)
Section 1031. Objections to Election; Hearing.
(Repealed)
Section 1032. Costs of Hearing.
(Repealed)
Section 1033. Appointment if Objections Sustained.
(Repealed)
Section 1034. Removal for Cause.
(Repealed)
Section 1035. Vacancies; Substitutes.
(Repealed)
Section 1036. New Counties.
(Repealed)
Section 1037. Duties.
(Repealed)
Section 1038. Inspection of School Grounds and Buildings.
(Repealed)
Section 1039. County to Furnish Office Rooms, etc.
(Repealed)
Section 1040. Telephone, Typewriter and Stenographer Furnished by County.
(Repealed)
Section 1041. Telephone, Typewriter and Stenographic Services in Counties Second Class.
(Repealed)

(c) Assistant County Superintendents and Supervisors of Special Education.

Section 1051. Number of Assistant County Superintendents.
(Repealed)
Section 1052. Number of Supervisors of Special Education.
(Repealed)
Section 1053. Appointment of Assistant Superintendents.
(Repealed)
Section 1054. Supervisors of Special Education; Qualifications; Appointment.
(Repealed)
Section 1055. Certification of Appointments; Commissions; Appointments by Superintendent of Public Instruction.
(Repealed)
Section 1056. Vacancies; Substitutes.
(Repealed)
Section 1057. Removal for Cause.
(Repealed)
Section 1058. Duties of Assistant County Superintendents.
(Repealed)
Section 1059. Duties of Supervisors of Special Education.
(Repealed)
Section 1060. Further Duties of Assistant County Superintendents and Supervisors of Special Education.
(Repealed)

(c.1) Technical Personnel.

Section 1061. Number of Technical Personnel; Qualifications; Appointment.
(Repealed)
Section 1062. Salaries; Duties.
(Repealed)
Section 1063. Vacancies; Substitutes.
(Repealed)

(d) Salaries and Expenses of County Superintendents, Assistant County Superintendents, and Supervisors of Special Education.

Section 1066. Minimum Salaries; Payment.
(Repealed)
Section 1067. Additional Salaries; Payment.
(Repealed)
Section 1068. Expenses.
(Repealed)

(e) District Superintendents and Assistant District Superintendents.

Section 1071. Election.
Section 1072. Creating Office in Districts Third Class.
(Repealed)
Section 1072.1. Discontinuance of Office in Districts Third Class.
(Repealed)
Section 1072.2. (Repealed)
Section 1073. Manner of Election or Approval.
Section 1074. Districts Having no Superintendent.
(Repealed)
Section 1075. Salary.
Section 1076. Election of Assistant District Superintendents, Except in Districts First Class.
Section 1077. Term and Salary of Assistants.
Section 1078. Commissions.
Section 1079. Vacancies; Acting and Substitute Superintendents and Assistants.
Section 1080. Removal.
Section 1081. Duties of Superintendents.
Section 1082. Duties of Assistants.
Section 1083. Annexation and Consolidation of Districts.
Section 1083.1. Reorganization of Districts.

(f) Supervisors.
(Repealed)

Section 1084. Number of Supervisors.
(Repealed)
Section 1085. Supervisors; Qualifications; Appointment.
(Repealed)
Section 1086. Salaries.
(Repealed)
Section 1087. Duties of Supervisors.
(Repealed)
Section 1088. Vacancies; Substitutes.
(Repealed)

(g) Special Districts.
(Repealed)

Section 1091. Services Provided Through Office of County Superintendent.
(Repealed)

ARTICLE XI.
PROFESSIONAL EMPLOYES.

(a) Definitions.

Section 1101. Definitions.

(b) Employment.

Section 1106. Duty to Employ.
Section 1107. Special Teachers.
Section 1108. Temporary Professional Employes.
Section 1109. Qualifications.
Section 1110. Disqualification for Refusal to Teach.
(Repealed)
Section 1111. Employment of Relatives of School Directors.
Section 1112. Religious Garb, Insignia, etc., Prohibited; Penalty.

(c) Tenure.

Section 1121. Contracts; Execution; Form.
Section 1122. Causes for Termination of Contract.
Section 1123. Rating System.
Section 1124. Causes for Suspension.
Section 1125. Suspensions and Reinstatements; How Made.
Section 1126. Public Hearings; Exceptions.
Section 1127. Procedure on Dismissals; Charges; Notice; Hearing.
Section 1128. Subpoenas; Testimony.
Section 1129. Vote Required for Dismissals.
Section 1130. Notice of Discharge; Procedure on Decision Favorable to Employe.
Section 1131. Appeals to Superintendent of Public Instruction.
Section 1132. Appeals to Court.

(d) Compensation.

Section 1141. Definitions.--For the purposes of this subdivision.--
Section 1142. Minimum Salaries and Increments.
Section 1143. Minimum Salaries and Increments; Districts Second, Third and Fourth Class and Vocational School Districts.
(Repealed)
Section 1144. Additional Increments for College Certificate or Master's Degree.
Section 1144.1. Teachers of Applied Arts and Vocational Subjects.
Section 1145. Minimum Salaries for Teachers with Emergency Certificates.

Section 1146. Part-time Teachers, etc.
Section 1147. Increase or Decrease of Usual Number of Periods per Day.
Section 1148. Substitute Teachers.
Section 1149. Increments When Employed by Another District.
Section 1150. Schedules for Teachers, etc. not Provided For.
Section 1151. Salary Increases; Demotions.
Section 1152. Compensation in Excess of Schedule; Temporary or Emergency Increases.
Section 1153. Payment of Salaries of Teachers when Prevented from Rendering Services.
Section 1154. Payment of Salaries in Cases of Sickness, Injury or Death.
Section 1155. Preferred Claims; Short Term Loans.

(e) Supervising Principals.

Section 1161. Employment in Districts Third and Fourth Class. (Repealed)
Section 1162. Joint Employment Including Supervisors or Teachers of Special Subjects.
Section 1163. Supervising Principals of Joint Boards or Union or Merged Districts. (Repealed)

(f) Sabbatical Leaves of Absence.

Section 1166. Persons Entitled.
Section 1167. Preferences; Limitations.
Section 1168. Return to Employment.
Section 1169. Salary While on Leave.
Section 1170. Rights Retained.
Section 1171. Regulations.

(g) Military Service in Time of War or National Emergency.

Section 1176. Leave of Absence.
Section 1177. Reinstatement in Former School Position.
Section 1178. Rights Preserved During Leave of Absence.
Section 1179. Continuation of State Appropriations.
Section 1180. Rights of Persons on Eligibility Lists.
Section 1181. Applicability and Intent.

(h) Meetings of Teachers (Repealed)

Section 1186. County Superintendents to Call Meetings.
Section 1187. Attendance Records and Reports; Expenses of Meeting.
Section 1188. Compensation of Teachers Attending.
Section 1189. Penalty on Teachers Failing to Attend.
Section 1190. Auditors.
Section 1191. Statement of Receipts and Disbursements.
Section 1192. Expenses Paid by County; Limitation.
Section 1193. Reports to Department of Public Instruction.
Section 1194. Districts Having District Superintendent.

ARTICLE XII.

CERTIFICATION OF THE TEACHERS.

Section 1201. Certificates Qualifying Persons to Teach.
Section 1202. State Certificates.
Section 1203. Kinds of State Certificates.
Section 1204. Granting Provisional College Certificates.
Section 1205. Issuing Permanent College Certificates.
Section 1206. Certificates Issued by Other States.
Section 1207. Special Temporary or Permanent Certificates.
Section 1208. Summer Schools, etc.
Section 1209. Disqualifications.
Section 1210. Existing Certificates.
Section 1211. Annulment of Certificates.
Section 1212. Registration and Record of Certificates.
Section 1213. Standard Limited Certificates.

ARTICLE XIII.
PUPILS AND ATTENDANCE.

(a) Attendance.

Section 1301. Age Limits; Temporary Residence.
Section 1302. Residence and Right to Free School Privileges.
Section 1303. Immunization Required; Penalty.
Section 1304. Admission of Beginners.
Section 1305. Non-resident Child Placed in Home of Resident.
Section 1306. Non-resident Inmates of Children's Institutions.
Section 1307. Counties, Other Than Second Class, Responsible for Payment of Tuition.
Section 1308. Liability for Tuition and Enforcement of Payment.
Section 1309. Cost of Tuition; How Fixed.
Section 1310. Assignment of Pupils to Schools.
Section 1311. Closing Schools.
Section 1312. Free Transportation Where Schools Closed in Certain Districts.
Section 1313. Attendance in Other Districts.
Section 1314. Attendance in District to Which Territory of Residence Formerly Attached.
Section 1315. Assignment to School in Another State; Receiving Pupils from Other States.
Section 1316. Permitting Attendance of Non-resident Pupils.
Section 1317. Authority of Teachers, Vice Principals and Principals over Pupils.
Section 1318. Suspension and Expulsion of Pupils.
Section 1319. Confidentiality of Student Communications.

(b) Enforcing Attendance.

Section 1326. Definitions.
Section 1327. Compulsory School Attendance.
Section 1328. Compulsory Education of Physical Defectives.
Section 1329. Excuses from Attending School.
Section 1330. Exceptions to Compulsory Attendance.
Section 1331. Free Transportation or Board and Lodging.
Section 1332. Reports of Enrollments; Attendance and Withdrawals; Public and Private Schools.
Section 1333. Penalties for Violation of Compulsory

Attendance Requirements.
Section 1334. Children Lacking Clothing or Food.
Section 1335. Furnishing Food, Including Milk, to School Children.
Section 1336. Furnishing Vitamin Products to Pupils. (Repealed)
Section 1337. Nonprofit School Food Program.
Section 1338. Delinquent Children.
Section 1339. Reports to Superintendent of Public Instruction.

(c) Attendance Officers and Home and School Visitors.

Section 1341. Duty to Employ; Power of Arrest; Certification.
Section 1342. Term of Employment; Compensation.
Section 1343. Arrest of Children Failing to Attend School.
Section 1344. Inspecting Places Where Children are Employed.
Section 1345. Penalty for Interfering with Inspections.

(d) Enumeration of School Children.

Section 1351. Duty to Make; Penalty for Interfering.
Section 1352. List of Names for Schools; Statistics for Superintendent of Public Instruction.
Section 1353. Cost of Enumeration; Additional Names and Information.
Section 1354. Report of Children not Enrolling, or Withdrawing, or Being Illegally Absent.
Section 1355. Penalty for Failure to Comply.
Section 1356. Costs of Proceeding for Noncompliance.
Section 1357. Withholding State Appropriation.

(e) Transportation of Pupils.

Section 1361. When Provided.
Section 1362. Kinds of Transportation; Liability Insurance.
Section 1363. Standards for Vehicles. (Repealed)
Section 1364. Transportation in Districts Under Direction of County Superintendent. (Repealed)
Section 1365. Extra Compensation for Transporting Pupils Unlawful; School Bus Driver Employment Applications.
Section 1366. Computation of Distances.
Section 1367. Board and Lodging in Lieu of Transportation.

(f) Exceptional Children.

Section 1371. Definition of Exceptional Children; Reports; Examination.
Section 1372. Exceptional Children; Education and Training.
Section 1372.1. Day Care Training Centers for the Proper Training of Mentally Handicapped Children. (Repealed)
Section 1372.1. Speech and Hearing Rehabilitation Centers. (Repealed)
Section 1373. State Reimbursement; Reports.
Section 1373.1. Readers; Helpers; Guides; Aides; Appliances;

Etc.; Reimbursement.
Section 1374. Free Transportation or Board and Lodging.
Section 1375. Uneducable Children Provided for by Department of Public Welfare.
Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions.
Section 1377. Payment of Cost of Tuition and Maintenance of Certain Exceptional Children.
Section 1378. Medical Care for Children Under Six with Defective Hearing.
Section 1379. Children Under Six with Defective Hearing; Parent or Guardian Advised of Schools, etc.
Section 1380. Education of Blind Children Under Eight Years.
Section 1381. Higher Education for Blind or Deaf Students.
Section 1382. Period of Instruction.

(g) Employment of Children.

Section 1391. Employment of Children Under Eighteen Unlawful Without Employment Certificate or Permit.
Section 1392. Reports by Employers of Children.
Section 1393. Posting of Information by Employers of Children.
Section 1394. Penalties for Violation of Child Labor Requirements.

ARTICLE XIV. SCHOOL HEALTH SERVICES.

Section 1401. Definitions.
Section 1402. Health Services.
Section 1403. Dental Examinations and Dental Hygiene Services.
Section 1404. Place of Examination; Use of Hospital Facilities.
Section 1405. Assistance; Presence of Parents.
Section 1406. Recommendations.
Section 1407. Examinations by Examiners of Own Choice.
Section 1408. Reports.
Section 1409. Confidentiality, Transference and Removal of Health Records.
Section 1410. Employment of School Health Personnel.
Section 1411. Cooperation with Political Subdivisions.
Section 1412. Municipal Civil Service Status Protected.
Section 1413. Supplemental Duties of School Physicians.
Section 1414. Care and Treatment of Pupils.
Section 1415. Public Assistance for Medical, Dental or Surgical Care.
Section 1416. Precautions Against Spread of Tuberculosis.
Section 1417. Pupils Relieved from Compulsory Attendance.
Section 1418. Medical Examinations of Teachers and Other Persons.
Section 1419. Objections to Examinations or Treatment on Religious Grounds.
Section 1420. Examinations of School Buildings and Grounds.
Section 1421. Powers and Duties of the Secretary of Health and of the Superintendent of Public Instruction; Rules and Regulations.
Section 1422. Advisory Health Councils.

ARTICLE XV. TERMS AND COURSES OF STUDY.

(a) School Terms.

Section 1501. Minimum Number of Days; School Month.
Section 1501.1. Weather Emergency of 1977.
Section 1502. Days Schools not to be Kept Open.
Section 1503. Additional Holidays; Vacations.
Section 1504. Dates and Times of School Terms and Sessions; Commencement.

(b) Prescribed Courses and Instruction.

Section 1511. Subjects of Instruction; Flag Code.
Section 1512. Courses of Study Adapted to Age, etc. of Pupils.
Section 1513. Physiology and Hygiene.
Section 1514. Humane Education.
Section 1515. Religious Literature.
Section 1516. Bible Reading in Public Schools.
Section 1516.1. Meditation and Prayer Periods.
Section 1517. Fire and Emergency Evacuation Drills.
Section 1518. Test Books and Instruction on Fire Dangers and Prevention Drills.
Section 1519. Teaching of Safe Driving of Motor Vehicles.
Section 1519.1. Standardized Driver-Education Program.
Section 1520. American Form of Government to Be Taught. (Repealed)

(c) Records and Reports.

Section 1531. Grading, Classification and Promotion of Pupils.
Section 1532. Records and Reports of Pupils; Districts Second, Third and Fourth Class.
Section 1533. Record of Pupils at Beginning of Term.
Section 1534. Monthly Reports to School Directors; Districts Second, Third and Fourth Class.

(d) Special Instruction and Observances.

Section 1541. Study of Birds, Trees and Conservation of Resources.
Section 1542. Frances Willard Day.
Section 1543. William Penn Day.
Section 1544. Free School Day.
Section 1545. Bill of Rights Week.
Section 1546. Release of Pupils for Religious Instruction.

ARTICLE XVI. HIGH SCHOOLS.

Section 1601. Types of High Schools; Regulations.
Section 1602. New High Schools; Additional Years.
Section 1603. Admission of Pupils.
Section 1604. Employment of Teachers; Subjects of Study.
Section 1605. Courses of Study.
Section 1606. Supervision; Reports.
Section 1607. Attendance in Other Districts.
Section 1608. Requirements for Attendance in Other Districts.

Section 1609. Attendance in Other District when Free Transportation Not Furnished.
Section 1610. Fitness of Pupils.
Section 1611. Academic Degrees.
Section 1612. State Scholarships for Pupils of Secondary Schools. (Repealed)
Section 1613. High School Certificates.

ARTICLE XVII. JOINT SCHOOLS AND DEPARTMENTS.

Section 1701. Establishment.
Section 1702. Raising Funds.
Section 1703. Written Agreements Between Districts.
Section 1704. Joint Authority of Boards; Title to Property.
Section 1705. Treasurer; Budget.
Section 1706. Joint School Treasurer.
Section 1707. Joint School Committee.
Section 1707.1. Joint School System Operated by Union or Merged School Districts and Other Districts.
Section 1708. Discontinuance.
Section 1709. Traveling Expenses at Meetings of Joint Boards or Joint School Committees.

ARTICLE XVIII. VOCATIONAL EDUCATION.

(a) School Districts.

Section 1801. Definitions.
Section 1802. State Board for Vocational Education; Executive Officer; Employes.
Section 1803. Duties of State Board for Vocational Education; Reports.
Section 1804. Schools or Classes; Supervisors; Principals; Instructors, etc.
Section 1805. Instruction in Theory and Practice.
Section 1806. Administration by School Districts.
Section 1807. Joint Vocational Schools or Departments.
Section 1808. Advisory Committees.
Section 1809. Attendance in Other Districts and Other States; Pupils from Other States.
Section 1810. Approved Local or Joint Vocational Schools; State Reimbursement.
Section 1811. Estimate of Expenses and Reimbursements; Appropriations.

(b) Vocational School Districts.

Section 1821. How Constituted. (Repealed)
Section 1822. Boards of Directors of Vocational Schools; Secretary; Treasurer. (Repealed)
Section 1823. Powers and Duties. (Repealed)
Section 1824. Limitation on Powers; Applicability of School Laws. (Repealed)
Section 1825. Levy and Collection of Taxes. (Repealed)
Section 1826. Determination of Need for Vocational Schools. (Repealed)
Section 1827. Action of Board of Directors of Vocational Schools. (Repealed)
Section 1828. Elections on Establishment of Vocational

Schools. (Repealed)
Section 1829. Joint Vocational Schools, Departments or Classes. (Repealed)
Section 1830. Rules and Regulations; Pupils from Other Districts. (Repealed)

(c) Area Vocational-Technical Schools and Technical Institutes.

Section 1840. Definitions. (Repealed)
Section 1840.1. Definitions.
Section 1841. Area Vocational-Technical Schools and Technical Institutes Authorized.
Section 1842. Advisory Committees.
Section 1843. Powers and Duties of County Boards. (Repealed)
Section 1844. Establishment of Schools and Institutes.
Section 1845. Cost of Establishment, Etc., Ownership of Property.
Section 1846. Cost of Maintenance and Operation. (Repealed)
Section 1847. Attendance of Pupils from Nonparticipating Districts.
Section 1848. State-wide Plan of Area Vocational Technical Schools. (Repealed)
Section 1849. Petitions for Change of Plan.
Section 1850. Area Vocational Technical Joint School Board Committee. (Repealed)
Section 1850.1. Organization and Operation of Schools and Institutes.
Section 1850.2. Operation by Intermediate Unit Board of Directors Acting as an Operating Agent.
Section 1850.3. Operation by a Joint Committee.
Section 1851. Establishment and Operation by the Department of Public Instruction.
Section 1852. Payment of Shares.
Section 1853. Contracts to Lease.

ARTICLE XIX. EXTENSION EDUCATION AND SPECIAL SCHOOLS AND CLASSES.

(a) Extension Education Generally.

Section 1901. Scope of General Extension Education; Definitions.
Section 1902. Permissive and Required Fee Extension Education.
Section 1903. When and Where Provided; Eligibility; Limitations.
Section 1904. Deposit Fee.
Section 1905. Certificate or Diploma.
Section 1906. Part of Public Schools; Standards.

(b) Special Schools and Classes.

Section 1921. Free Evening Schools. (Repealed)
Section 1922. Vocational Education for Out-of-School Youth and Adults.
Section 1923. Teachers of Evening Schools.
Section 1924. Land for Agricultural Schools. (Repealed)
Section 1925. Pupils Less than Six or More than Twenty-one.

Section 1926. Schools and Classes in Institutions.

ARTICLE XX. STATE COLLEGES.

Section 2001. Definitions.
Section 2002. State Colleges and State Universities.
Section 2003. Purpose.
Section 2003.1. Board of State College and University Directors.
Section 2003.2. Duties of the Board of State College and University Directors with Regard to State Colleges.
Section 2003.3. Duties of the Board of State College and University Directors with Regard to State Universities.
Section 2004. Board of Presidents of State Colleges and State Universities.
Section 2004.1. Management of State Colleges and State Universities within the Department.
Section 2005. No Religious Tests.
Section 2006. Practice Teaching. (Repealed)
Section 2007. Examinations; Certificates; Diplomas.
Section 2008. Board and Fees.
Section 2008.1. Boards of Trustees of State Colleges and Universities.
Section 2008.2. Duties of Boards of Trustees of the Several State Colleges.
Section 2008.3. Duties of the Boards of Trustees of the Several State Universities.
Section 2009. Vocational Education and Rehabilitation Programs; Conversion for Other Purposes, etc. (Repealed)
Section 2010. Vocational Rehabilitation Education of War Veterans and Defense Workers. (Repealed)
Section 2011. Powers of Superintendent of Public Instruction.
Section 2012. Research Projects, Authority to Accept Grants. (Repealed)

ARTICLE XXI. SCHOOL DISTRICTS OF THE FIRST CLASS.

Section 2101. Additional Provisions.

(a) Administration of Schools.

Section 2102. Board of Public Education.
Section 2103. Board of Public Education; Additional Duties.
Section 2104. Superintendents of Schools or Buildings and of Supplies.
Section 2105. Superintendent of Schools; Additional Retirement Allowance.
Section 2106. Superintendent of Buildings; Additional Retirement Allowance.
Section 2107. Associate and Assistant District Superintendents.
Section 2108. Qualifications of Principals and Teachers.
Section 2109. Board of Examiners of Applicants for Positions.
Section 2110. Eligible Lists of Persons Qualified to Teach; Appointments.
Section 2111. Superintendent of Buildings; Duties;

Assistants; Plans.
Section 2112. Janitors.
Section 2113. Superintendent of Supplies; Duties, Assistants.

(b) Fiscal Affairs.

Section 2121. City Controller to be Elected School Controller; Deputy Controller.
Section 2122. Oath, Bond, and Compensation of Controller.
Section 2123. Vacancies.
Section 2124. Clerks; Stationery, etc. for Controller and Treasurer.
Section 2125. School Orders.
Section 2126. Contracts.
Section 2127. Payment of Contracts; Liability of Controller and his Surety.
Section 2128. Estimates of Expenses.
Section 2129. Annual Statement of Finances for Past Year.
Section 2130. Information for Estimates and Tax Levies.
Section 2131. Publication of Annual Financial Statements.
Section 2132. Transfers of Real Estate.

ARTICLE XXII. TEACHERS' AND EMPLOYES' RETIREMENT FUNDS.

Section 2201. Establishment of Funds by Districts.
Section 2202. Contributions by Employes.
Section 2203. Representation of Employes.
Section 2204. Retirement Annuities.

ARTICLE XXIII. PUBLIC SCHOOL LIBRARIES.

Section 2301. Management and Supervision. (Repealed)
Section 2302. Board of Library Trustees; How Constituted. (Repealed)
Section 2303. Appointment; Terms; Vacancies; Officers. (Repealed)
Section 2304. Rules and Regulations; Powers and Duties. (Repealed)
Section 2305. Appropriations; Limitation; Establishment, etc. (Repealed)
Section 2306. Payment of Money for Libraries. (Repealed)
Section 2307. Aid to Individual or Association Library. (Repealed)
Section 2308. Donations of Books, etc. (Repealed)
Section 2309. Circulation of Books; Branch Libraries. (Repealed)
Section 2310. Library Hours; Use by Residents of Other Districts. (Repealed)
Section 2311. Audit of Receipts and Expenditures. (Repealed)
Section 2312. Reports to State. (Repealed)
Section 2313. Joint Action of School Districts. (Repealed)
Section 2314. Merger of Library Boards on Consolidation of School Districts; Discontinuance of Library. (Repealed)
Section 2315. Districts Second Class; Library Tax for Support, etc. of Municipal Library. (Repealed)

ARTICLE XXIV. AUDITING OF SCHOOL FINANCES.

(a) General Provisions.

Section 2401. By Whom Audited.
Section 2401.1. Controllers and Auditors Not to be Otherwise Employed by School Districts or Joint School Boards.
Section 2402. Statements of Accounts, etc.
Section 2403. Subpoenas; Administering Oaths; Perjury.
Section 2404. Disobedience to Subpcenas; Contempt.
Section 2405. Witness Fees.
Section 2406. Audits; Surcharges; Examination of Official Bonds.
Section 2407. Notice of Surcharges.
Section 2408. Copies of Reports.
Section 2409. Employment of Attorneys.
Section 2410. Investigation of Financial Records by Superintendent of Public Instruction.

(b) School Districts of the First Class.

Section 2421. Duties of Controller.

(c) School Districts of The Second and Third Classes.

Section 2431. Time of Audit; Filing of Copies.
Section 2432. Notice of Audit.
Section 2433. Compensation of Auditors.

(d) School Districts of the Fourth Class.

Section 2441. Time of Audit; Filing Copies; Publication.
Section 2442. Notice of Audit; Districts not Electing Auditors.
Section 2443. Compensation of Auditors.

(e) Appeals from Audits; Districts Second, Third and Fourth Class.

Section 2451. Who May Appeal; Condition.
Section 2452. Accounts Investigated De Novo; Burden of Proof; Single Proceeding.
Section 2453. Procedure; Jury Trials; Appeals to Appellate Courts.
Section 2454. Judgment; Enforcement; Rights of Taxpayers.
Section 2455. Surcharges; Judgments; Enforcement.

(f) Accounts of Teachers' Institutes and School Directors' Associations.

Section 2461. Teachers' Institutes. (Repealed)
Section 2462. School Directors' Association.

ARTICLE XXV. REIMBURSEMENTS BY COMMONWEALTH AND BETWEEN SCHOOL DISTRICTS.

(a) Definitions.

Section 2501. Definitions.

(b) Instruction.

Section 2502. Payments on Account of Instruction.
Section 2502.1. Supplemental Payments. (Repealed)
Section 2502.2. Payments on Account of Migratory Children.
Section 2502.3. Payments on Account of Poverty.
Section 2502.4. Additional Special Assistance Grants on Account of Low Income Families.
Section 2502.5. Limitation of Certain Payments.
Section 2503. Payments on Account of Tuition.
Section 2503.1. Minimum Reimbursements to Union and Merged Districts and Jointures. (Repealed)
Section 2504. Payments on Account of Vocational Curriculums.
Section 2504.1. Payments on Account of Standardized Driver-Education Programs.
Section 2504.2. Payments on Account of Pupils Enrolled in Area Vocational-Technical Schools.
Section 2504.3. Payments on Account of Students Enrolled in Technical Institutes.
Section 2505. Payments on Account of School Nurses. (Repealed)
Section 2505.1. State Reimbursement for Health Services.
Section 2506. Payments on Account of Approved Travel.
Section 2507. Payments on Account of Approved Vocational Extension Classes and Pre-employment Training.
Section 2508. Distribution of Unencumbered Funds for Vocational Education.
Section 2508.1. Payment on Account of Equipment Purchased for Area Vocational-Technical Schools and Technical Institutes.
Section 2508.2. Payments on Account of Area Vocational-Technical Schools and Technical Institutes.
Section 2508.3. Payments for Vocational Training of Recipients of Public Assistance and Unemployment Compensation.
Section 2508.4. Payments on Account of Improvements and Additions in Vocational-Technical Curriculums.
Section 2509. Payments on Account of Courses for Exceptional Children.
Section 2509.1. Payment on Account of Transportation, Classes and Schools for Exceptional and Institutionalized Children.
Section 2509.2. Payment on Account of Transportation Classes and Schools for Children of Migrant Laborers.
Section 2510. Payments on Account of Extension Classes and Instruction of Home Bound Children. (Repealed)
Section 2510.1. Payments on Account of Homebound Children.
Section 2511. Payments on Account of Closed Schools. (Repealed)
Section 2511.1. Payments on Account of Obligations to State Public School Building Authority. (Repealed)
Section 2512. Certificates of Attendance Data.
Section 2513. Certificates of Teacher Data.
Section 2513.1. Certificates of Expenditures for Vocational Schools.
Section 2514. Certificates of Assessed Valuations.
Section 2515. Ascertainment of Amounts Required; Apportionment.

Section 2516. Certification of Amounts.
Section 2517. Tertiary Payments.
Section 2518. Forfeitures for Employing Certain Teachers.
Section 2519. Witholding Payments for Failure to Pay Minimum Salaries and Increments.
Section 2520. Payments on Account of Increase in Number of Pupils and Additional Closed Schools. (Repealed)
Section 2521. Errors in Certificates.
Section 2522. Payments to School Treasurer; Use.
Section 2523. Schools Closed on Account of Contagious Disease; etc.
Section 2524. Penalty for Falsifying Reimbursement Reports.
Section 2525. Audio-Visual Libraries and Instructional Materials Centers.

(c) Pupil Transportation.

Section 2541. Payments on Account of Pupil Transportation.
Section 2542. Board and Lodging in Lieu of Transportation.
Section 2543. Sworn Statement of Amount Expended for Reimbursable Transportation; Payment; Withholding.

(d) All Appropriations.

Section 2551. Unused Appropriations.
Section 2552. Withholding State Appropriations.
Section 2553. Audits and Verifications of Rights to Reimbursements.

(e) Reimbursements Between School Districts.

Section 2561. Tuition Charges for Pupils of Other Districts.
Section 2562. Payments by Districts for Pupils Attending in Other Districts.
Section 2563. Certification of Pupils Admitted from Other Districts; Monthly Payments.
Section 2564. Deductions from State Appropriations.
Section 2565. Sewer Charge or Rental, Districts Fourth Class.

(f) School Building Rentals and Sinking Fund Charges.

Section 2571. Standard Reimbursement Fraction for School Building Rentals and Sinking Fund Charges. (Repealed)
Section 2572. State Public School Building Authority and Municipality Authority and Nonprofit Corporation Leases Heretofore Approved.
Section 2573. Municipality Authority and Nonprofit Corporation Leases Heretofore Approved. (Repealed)
Section 2574. Approved Reimbursable Rental for Leases Hereafter Approved and Approved Reimbursable Sinking Fund Charges on Indebtedness.
Section 2574.1. Payments on Account of Building Site Costs.
Section 2574.2. Approved Reimbursable Annual Rental for Leases of Buildings and Facilities for School Use.

Section 2575. Payments on Account of Leases Hereafter Approved and on Account of Sinking Fund Charges on Indebtedness for School Buildings Hereafter Constructed.
Section 2575.1. Payments on Acccunt of Building Costs.
Section 2575.2. Payments on Account of Approved Rental for Leases of Buildings and Facilities for School Use.
Section 2576. Approval of Department of Public Instruction.
Section 2577. Limitations on Approval of Projects for Reimbursement Purposes.
Section 2578. Payments.
Section 2578.1. Payments to Schocl Districts Because of Density Factor.
Section 2579. Inspection of Projects by Department of Public Instruction.
Section 2580. Changes in the Amount of Lease Rentals.

(g) Payments to Joint School Boards or Joint Schocl Committees.

Section 2585. Payments to Joint School Boards or Joint School Committees.

(h) Additional Payments.

Section 2591. Additional Payments. (Repealed)
Section 2592. Guaranteed Payment.

ARTICLE XXVI. STATE SCHOOL FUND.

Section 2601. How Constituted.
Section 2602. Management and Custody.
Section 2603. Investments.
Section 2604. Use of Fund Appropriation.
Section 2605. Payments; How Made.
Section 2606. Reports of Condition of Fund.
Section 2607. Refunds of Escheated Estates; Appropriation.

ARTICLE XXVII. REPEALS.

Section 2701. Specific Repeals.
Section 2702. General Repeal.

ARTICLE I.
PRELIMINARY PROVISIONS.

Section 101. Short Title and Effective Date.--This act shall be known and may be cited as the "Public School Code of 1949." The provisions thereof shall become effective on the first day of July, one thousand nine hundred forty-nine, except in so far as they affect school districts of the first class. In so far as they affect school districts of the first class, the provisions of this act shall become effective on the first day of January, one thousand nine hundred fifty.

Section 102. Definitions.--When used in this act the following words and phrases shall have the following meanings:

(1) "Board of school directors" shall include the board of public education in school districts of the first class, except where specifically limited to school districts of other classes. ((1) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(2) "School district" shall include school districts of all classes, except where specifically limited to districts of a particular class or classes. ((2) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(3) "School term" shall mean the period of time elapsing between the opening of the public schools in the fall of one year and the closing of the public schools in the spring of the following year.

(4) "School year" shall mean the period of time elapsing in school districts of the first class between the first day of January and the thirty-first day of December of any year, and in school districts of all other classes between the first day of July of one year and the thirtieth day of June of the following year. ((4) amended Jul. 31, 1963, P.L.389, No.206)

Section 103. Excluded Provisions.--This act does not include any provisions of, and shall not be construed to repeal:

(1) The Public School Employes Retirement Law, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043). ((1) amended Sep. 28, 1951, P.L.1551, No.395)

(2) The Municipal Claim and Tax Lien Law, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207).

(3) "The Administrative Code of 1929", approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177).

(4) "The Vehicle Code", approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905).

(5) The Delinquent Tax Sales Act of 1931, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (Pamphlet Laws 280).

(6) The "Municipal Borrowing Law", approved the twenty-fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws 159).

(7) The "Local Tax Collection Law", approved the twenty-fifth day of May, one thousand nine hundred forty-five (Pamphlet Laws 1050).

(8) The "Real Estate Tax Sale Law", approved the seventh day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1368).

(9) The Act Relating to Strikes by Public Employes, approved the thirtieth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1183).

(10) Any law relating to elections.

(11) Any temporary law.

(12) Any law validating past actions or proceedings.

(13) Any amendment or supplement of any of the laws referred to in this section.

Section 104. Saving Clause.--The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded nor affect the existence or class of any school district heretofore created. The provisions of this act shall not affect the title to, or ownership of, any property, real or personal, vested prior to the effective date of this act. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or

prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. All rules and regulations made pursuant to any act of Assembly repealed by this act shall continue with the same force and effect as if such act had not been repealed. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

Section 105. Right of Appeal Saved.--Except as herein otherwise provided, nothing in this act contained shall be held to preclude the right of appeal in actions arising under this act from any court wherein such action shall be brought.

Section 106. Publication of Notices, etc.; Proofs of Publication.--(a) Whenever, under the provisions of this act, notice is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation as defined by the "Newspaper Advertising Act" of May sixteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1784), printed in the county, unless the matter in connection with which the advertising is being done affects only a school district, in which case such advertisement shall be published in a newspaper printed in such school district, if there is such a newspaper, and if not, then in a newspaper circulating generally in such school district. If such notice is required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally, as above provided, in the school district.

(b) When such notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, such notice, in each school district, shall also be published in the legal newspaper, if any, designated by the rules of court of the proper county for the publication of legal notices and advertisements: Provided, That auditors' statements, summaries of auditors' statements, advertisements inviting proposals for public contracts and for bids for materials and supplies, or lists of delinquent taxpayers, shall be published only in newspapers of general circulation, defined as aforesaid.

(c) Proof of publication of any notice required to be given by the posting of handbills or statements shall be made by attaching an original copy of such handbill or statement as actually printed and posted to an affidavit made by the person posting such notice. Such affiant shall not be an interested party or an employe of any person or persons interested in the subject matter of said notice. His affidavit shall state where and when the notices were posted and where the notice was published in newspapers, as aforesaid. A printed copy, exactly as published in said newspaper, shall be securely attached to a similar affidavit of the publisher or his designated agent.

Section 107. Compensation for Services or Additional Services.--Where, by the provisions of this act, any services or additional services are imposed upon any public official for which no compensation is provided, the board of school directors of the proper district may, unless such service is required to be performed without compensation, pay out of the funds of the district such reasonable compensation for such service or additional service as it may determine, subject to the

provisions of this act.

Section 108. Religious or Political Tests, etc., Prohibited.--No religious or political test or qualification shall be required of any director, visitor, superintendent, teacher, or other officer, appointee, or employe in the public schools of this Commonwealth.

Section 109. Disposition of Fines.--All fines that are imposed and collected under any of the provisions of this act shall be paid to the treasurer of the proper school district, or, when the proper school district cannot be determined, into the State School Fund.

ARTICLE II.
SCHOOL DISTRICTS.

(a) Designation and Classification.

Section 201. How Constituted.--All school districts shall remain as now constituted until changed as authorized by this act. Except as otherwise now or hereafter constituted, each city, incorporated town, borough, or township in this Commonwealth, now existing or hereafter created, shall constitute a separate school district, to be designated and known as the "School District of ....:" Provided, That where any city, incorporated town, borough, or township, or a part of the school district remaining after its separation would constitute a third or fourth class school district, it shall remain a part of the school district to which it formerly belonged until the change to a new school district is approved by the Council of Basic Education, as hereinafter provided.

(201 amended Oct. 21, 1965, P.L.601, No.312)

Section 202. Classification.--The several school districts of the Commonwealth are hereby divided into five classes, as follows:

Each school district having a population of one million five hundred thousand (1,500,000), or more, shall be a school district of the first class;

Each school district having a population of five hundred thousand (500,000), or more, but of less than one million five hundred thousand (1,500,000), shall be a school district of the first class A;

Each school district having a population of thirty thousand (30,000), or more, but of less than five hundred thousand (500,000), shall be a school district of the second class;

Each school district having a population of five thousand (5,000), or more, but of less than thirty thousand (30,000), shall be a school district of the third class.

Each school district having a population of less than five thousand (5,000) shall be a school district of the fourth class.

(202 amended Aug. 8, 1963, P.L.564, No.299)

Section 203. Creation of New Cities, Boroughs, and Townships.--When a new school district is formed by the creation of a new city, borough, or township, the court of common pleas having jurisdiction shall determine and enter in its decree the class of school districts to which such new district, if formed, shall belong, and if of the first, first class A, or second class, it shall thereupon become a new school district of such class. If the newly created city, borough, or township would constitute a school district of the fourth class, the court of

common pleas having jurisdiction shall so certify and a new school district shall be formed only if and when it is approved by the Council of Basic Education as hereinafter provided.

(203 amended Oct. 21, 1965, P.L.601, No.312)

Section 204. Basis for and Change of Classification.--Except as provided in clause (2) of this section, the last United States census, as set forth in the official report thereof, shall be the basis on which the population of the several school districts shall be computed. A change from one class of school district to another shall be made in the following cases, and in no other:--(Par. amended Aug. 11, 1959, P.L.667, No.217)

(1) After the taking of a United States census showing the population of any school district to be such as to entitle it to be changed from one class of school district to another;

(2) When a district, which at a decennial census, had sufficient population to entitle it to an advance to another class of district, has since suffered a large decrease in population, or which at a decennial census did not have sufficient population to entitle it to an advance to another class of district and has since increased in population, a census of the district may be authorized by the board of school directors of the district, and, if it shall appear that said district has not the required population to remain in the class in which the same then is or if it shall appear that the district has sufficient population to entitle it to advance to another class of district, the Superintendent of Public Instruction, on the request of the board of school directors and upon receipt of the facts disclosed by said census, may issue his proclamation declaring such district to be of the class to which it properly belongs, as disclosed by the census of the school board. ((2) amended Aug. 11, 1959, P.L.667, No.217)

(3) Where the population of two districts combined subsequent to the taking of a United States census and ascertained by such census is such as to entitle the new or combined district to be in a class different from the class of either of the districts so combined;

(4) Where, since the last preceding United States census, any territory has been annexed to any city, borough, town, or township, whereby the population of such city, borough, town, or township has been increased, and the population of such annexed territory cannot be ascertained from the last preceding census of the United States, the directors of the school districts affected by such annexation may apply to the court of common pleas for the appointment of a commissioner to make an enumeration of the population of such annexed territory. The court shall certify the population of the annexed territory so ascertained, together with the population of the city, borough, town, or township, as shown by the last preceding United States census, to the Superintendent of Public Instruction. The cost of the proceeding, including reasonable compensation for the commissioner, to be fixed by the court, shall be paid by the school district.

Section 205. Change of Class; How Effected.--Whenever it shall appear, in any case hereinafter enumerated, that the population of any school district in this Commonwealth is such that it should be included in another class of school districts, the Superintendent of Public Instruction shall issue a certificate to said school district to that effect, and such school district shall, with the beginning of the next school

year after said certificate has been issued, become a school district of the class to which it properly belongs. The provisions of this section shall apply when:--

(1) The Superintendent of Public Instruction, after the taking of each United States census, has canvassed the same, so far as it relates to the population of the several school districts, which he is hereby required to do;

(2) Territory comprising a separate school district is annexed to a city, borough, or township, and the decree of the court or the vote of the electors effecting such annexation has been certified to the Superintendent of Public Instruction;

(3) Territory has been annexed to a city, borough, town, or township, and enumeration of the population of such annexed territory has been made.

(b) Powers and Duties, etc.

Section 211. General Powers of Districts.--The several school districts in this Commonwealth shall be, and hereby are vested as, bodies corporate, with all necessary powers to enable them to carry out the provisions of this act.

Section 212. Corporate Seal.--Each school district in this Commonwealth may, by a majority vote of the members of the board of school directors of such district, adopt a corporate seal for the use of said district. The seal shall have engraved thereon the following: "School District of ....., Pennsylvania," and such other inscription or design as the board of school directors may direct.

Section 213. Right to Sue and be Sued.--Each school district shall have the right to sue and be sued in its corporate name. Any legal process against any school district shall be served on the president or secretary of its board of school directors.

Section 214. Competency as Witnesses.--No person, on account of being a taxpayer or resident in any school district, shall, by reason thereof, be incompetent to testify in any suit or action in which such school district is a party.

Section 215. Conveyances by Districts.--Any deed for school property, properly executed and delivered in the name of any school district as established by this act, shall convey to the grantee the entire interest of the grantor in such property, irrespective of the manner or name in which said property was conveyed to or acquired by, or is held by, the school district conveying the same.

Section 216. Gifts to Districts; Investment Accounts.--(a) It shall be lawful for any school district to receive and hold, absolutely or in trust, any devise, bequest, grant, endowment, gift, or donation of any property, real or personal, which shall be made to said school district or for any of the purposes of this act. Any such devise, bequest, grant, endowment, gift, or donation shall be administered by or under the direction of the board of directors of the district to which it is made, subject to all the conditions and trusts thereto annexed. The board of school directors shall not be obliged to accept any such devise, bequest, grant, endowment, gift, or donation unless it deems it proper so to do.

(b) The board of school directors shall promptly invest, and keep invested as constantly as possible and to the best advantage, any devise, bequest, grant, endowment, gift, or donation accepted, and the proceeds thereof. Such investment may be made in obligations declared to be legal investments in the act of May twenty-six, one thousand nine hundred forty-nine

(Pamphlet Laws 1828), known as the "Fiduciaries Investment Act of 1949." ((b) amended Sep. 27, 1955, P.L.649, No.172)

(c) It shall be the duty of the board of school directors to keep an accurate account of all devises, bequests, grants, endowments, gifts, and donations accepted, the income arising therefrom, the proceeds thereof, and the expenses of administering the same; and at the end of each fiscal year to render a detailed statement of such devises, bequests, grants, endowments, gifts, and donations, held and possessed by such school district, the proceeds thereof, the investments which have been made therewith, the income arising therefrom, the expenses of administration, and the purposes to which the income arising therefrom have been applied. Such statement shall be audited as hereinafter provided for the auditing of school finances.

Section 217. Unlawful Gifts.--It shall be unlawful for any member of or any board of school directors to demand, request, or accept, directly or indirectly, any gift or donation from any teacher or supervisor within its employ.

(c) Changes in District.

Section 224. Combination of School Districts.--Any two or more school districts or administrative units may combine to create a larger school district. The board of school directors of each school district desiring to form such a combination shall, by a majority vote, adopt a resolution outlining the areas to be combined and file an application for approval with the Superintendent of Public Instruction. The Superintendent of Public Instruction shall place on the agenda of the State Board of Education each such application for its consideration.

The State Board of Education shall review each application upon its agenda and approve such applications as it deems wise in the best interest of the educational system of the Commonwealth.

The State Board may continue the application on its agenda and may permit any school district or interested party, aggrieved by the petition, to file its objection. Such objection shall set forth the basis for and facts of aggrievement.

If an application is not approved it shall be returned to the applying districts for resubmission in accordance with such recommendations as may be attached thereto.

When an application receives approval, the State Board of Education shall direct the Superintendent of Public Instruction to issue a certificate creating the new school district, listing the name, constituting components, classification and effective date of operation.

(224 added Dec. 7, 1965, P.L.1034, No.385)

Section 225. Property and Indebtedness and Rental Obligations of Former Component School Districts.--All real and personal property, indebtedness and rental obligations to an approved building authority or nonprofit corporation, if any, of former school districts forming a new school district, constituted after July 1, 1966, shall become the property, indebtedness, and rental obligations of such newly constituted school district. All rights of creditors against any of the component former school districts shall be preserved against the new school district. All property theretofore vested in the component former school districts, and all debts and taxes owing to the component former school districts, uncollected in the several component former school districts, and all moneys in the

treasuries of the component former school districts, shall be paid to the treasurer of the newly constituted school district.

(225 added Dec. 7, 1965, P.L.1034, No.385)

Section 226. Change in Districts; When Effective.--If any new school district is made by the creation of any city, borough, township, or independent school district, or by the annexation of territory comprising a separate school district to a city, or borough, or township, or if the boundary lines of any school district are changed, by reason of the changing of the boundary lines of any city, incorporated town, borough, township, or independent school district, then, in any such case, the change, so far as it relates to school districts or school affairs, shall take effect at the beginning of the first school year after such new city, borough, township or independent school district has been created, or such annexation effected, or such change in boundary lines permanently effected.

Section 227. Filing Copy of Action Creating New District, or Affecting Fourth Class District, with Superintendent of Public Instruction.--Whenever a new school district is created by the creation of a new city, borough, township, or independent school district, or by the consolidation of two or more districts as a union district, or an existing school district of the third or fourth class is affected by the annexation to a city, or borough, or township, of territory included within a school district of the third or fourth class, the clerk of the courts or other proper officer shall, within ten days thereafter, make a certified copy of the petition therefor, agreement, or ordinance, and the decree or order creating such new city, borough, township, or independent school district, or union school district, or of the decree of the court or vote of the electors affecting such annexation, and mail the same to the Superintendent of Public Instruction, Department of Public Instruction, Harrisburg, Pennsylvania.

(227 amended May 11, 1949, P.L.1089, No.320)

Section 228. Approval or Disapproval of Creation or Change of Third or Fourth Class Districts.--(a) If the newly created city, borough, or township, or independent school district, or union school district, or the part of a school district remaining after the separation would constitute a school district of the third or fourth class, the receipt of said certified copy shall be deemed an application for the creation of a new school district of the third or fourth class or change in the boundaries of an existing school district of the third or fourth class, and the Superintendent of Public Instruction shall, within sixty days thereafter, notify the school districts, which will be affected that an application has been received and that a time and place for hearing the application will be determined upon receipt of request from any such district. If no such request is filed within thirty days, the Department of Public Instruction may certify approval of the application without a hearing. At the hearing, if one is requested, the proper officials of or the counsel for the districts shall present to the council, or its designated representative, the reasons for approval or disapproval of the application, and the council shall then determine whether such new school district, or independent school district, or union school district, or change in the boundaries of an existing school district of the third or fourth class, is desirable, and whether the welfare of the pupils within the territory affected

thereby will be promoted by the creation of such district or change in the boundaries of such existing district.

(b) If the council shall approve such application, it shall certify its findings and its approval of such new district or change in such existing district thereon, and transmit a certified copy thereof to the clerk of the courts or other proper officer from whom the application was received, who shall file the same in such original proceedings, whereupon unless an appeal is filed with the State Board of Education the new city, borough, or township will become a new school district of the third or fourth class, or the school district of the third or fourth class remaining after such annexation shall constitute a separate school district as so changed.

(c) If, in the judgment of the council, the application should not be granted, it shall endorse thereon "not approved," and transmit a certified copy thereof to the clerk of the courts or other proper officer from whom the application was received, who shall file the same in the original proceedings. In such event, if no appeal to the State Board of Education is filed within ninety days, the action of the council is final and the boundaries of the existing school district shall remain unchanged. Within ninety days after the decision of the council, ten taxables of any school district affected by the council's decision may appeal to the State Board of Education in which case the board, for cause shown, may vacate such refusal, and may approve the creation of such new district of the third or fourth class or change in boundaries of an existing district of the third or fourth class. After the elapse of five years from the date of any refusal by the Council of Basic Education to approve an annexation for school purposes, the council shall reconsider its decision upon petition of ten taxables of any school district affected by the council's decision.

(228 amended Oct. 21, 1965, P.L.601, No.312)

Section 229. Annexation to District of First Class.--Whenever hereafter the territory comprising a school district of the second, third, or fourth class is annexed to a city comprising a school district of the first class or of the first class A, the annexed school district shall immediately become merged in and become a part of said school district of the first class or of the first class A.

(229 amended May 13, 1949, P.L.1332, No.397)

Section 230. Approval of Contracts and Changes after Vote for Annexation.--Where, under the provisions of any act of Assembly, an election shall be held for and against the annexation of territory comprising a school district of the second, third, or fourth class, to a city comprising a separate school district, and, if it shall appear by the vote when counted that a majority has voted for said annexation and the result of said election shall have been certified to the court of quarter sessions having jurisdiction of the proceedings, the board of school directors of said annexed school district shall not thereafter make any change in textbooks, or adopt additional textbooks, or contract for any new school sites, or let any contract for the erection, enlargement, alteration, equipment, or furnishing, of any new school sites, or let any contract for the erection, enlargement, alteration, equipment, or furnishing, of any school building, without the approval of the board of school directors of the said school district of such annexing city.

Section 231. Tax Levy or Debt for Buildings or Grounds Pending Change of Boundaries, etc.--While proceedings are pending in court for the changing of any boundary lines of any city, incorporated town, borough, or township, or the creation of any new city, borough, or township, the board of school directors in every school district to be affected by such change of boundary lines or creation of a new municipality shall be permitted to levy and assess a school tax and incur debts for the purpose of purchasing ground or building or enlarging a school building, in the same manner as though such proceedings were not pending in court for the changing of any boundary lines of any such city, incorporated town, borough, or township, or the creation of any new city, borough, or township.

Section 232. Special Tax Directed by Court.--In addition to the levies provided for in the preceding sections, when it is shown to the court of quarter sessions that by reason of the partition of any school district and the apportionment of the debts of the original district, the debts of such school district exceed the amount which the board of directors may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of any such school district, may, by a writ of mandamus, direct the board of school directors, by special taxation, to collect an amount sufficient to pay the same. If the amount of such indebtedness is so large as to render it inadvisable to collect the same in any one year, taking into consideration other necessary taxation, the court may direct the same to be levied and collected by annual installments and may order such special taxes to be levied and collected during such successive years as may be required for the payment of the same. The special tax shall be subject to the same penalties for nonpayment, and shall be computed and collected in the same manner, as other school taxes.

(d) Independent Districts.

Section 241. Creation of Independent Districts.--(241 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 242. Approval of Fourth Class Districts; Adjustment of Indebtedness; Costs.--(242 repealed Dec. 7, 1955, P.L.1034, No.385)

Section 242.1. Establishment of Independent Districts for Transfer of Territory to Another School District.--(a) A majority of the taxable inhabitants of any contiguous territory in any school district or school districts, as herein established, may present their petition to the court of common pleas of the county in which each contiguous territory, or a greater part thereof, is situated, asking that the territory be established as an independent district for the sole purpose of transfer to an adjacent school district contiguous thereto. Where the territory described in any such petition is to be taken from two or more school districts, such petition shall be signed by a majority of all the taxable inhabitants of the part of each school district which is to be included in such independent district for transfer. Such petitions shall set forth a proper description of the boundaries of the territory to be included in such proposed independent district, and the reasons of the petitioners for requesting such transfer to another school district and the name of the district into which its territory is proposed to be placed.

The court shall hold hearing thereon, of which hearing the school district or districts out of whose territory such

proposed independent district is to be taken and the school district into which the territory is proposed to be assigned, shall each have ten days notice. In all cases where an independent district is proposed for transfer from one school district to another, the merits of the petition for its creation, from an educational standpoint, shall be passed upon the Superintendent of Public Instruction and the petition shall not be granted by the court unless approved by him. The court of common pleas shall secure the reaction from the Superintendent of Public Instruction upon receipt of the petition properly filed.

The court, in its decree establishing such independent district for transfer purposes, shall also determine the amount, if any, of the indebtedness and obligations of the school district, from whose territory such independent district is taken, that said district shall assume and pay, and, a statement prorating the State subsidies payable between or among the losing district or districts and the receiving district.

In all cases where such proceedings result in the creation and transfer, by decree of the court, of an independent district, the cost and office fees shall be paid by the petitioners or, otherwise, by the receiving district. Such independent districts created under the provisions of this act shall not become an operating school district but will be created for transfer of territory only.

(b) In the case of independent districts established hereafter, the court of common pleas shall notify the county board of school directors regarding receipt of petition for such establishment and shall direct said board to prepare a statement of acceptance or rejection of the proposed placement of the district in the designated administrative unit of the county plan; such statement to be transmitted to the court and to the State Board of Education.

(242.1 amended Dec. 19, 1967, P.L.865, No.383)

Section 243. Abolition of Independent Districts.--(243 repealed Dec. 7, 1965, P.L.1034, No.385)

(e) Union Districts.

Section 251. How Formed.--(251 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 252. Return of Election.--(252 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 253. When Established; Classification.--(253 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 254. Liabilities and Property of Component Districts.--(254 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 255. Validation of Certain Union School Districts.--(255 repealed Dec. 7, 1965, P.L.1034, No.385)

(f) Merger of Districts.

Section 261. Standards and Regulations; Approval of Plans.--(261 repealed Sep. 12, 1961, P.L.1283, No.561)

Section 262. County-Wide Plans for Merger, etc.--(262 repealed Sep. 12, 1961, P.L.1283, No.561)

Section. 263. Petitions and Elections for Mergers; Returns; When Effective.--(263 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 263.1. Mergers; Voting; Partial Mergers. (263.1 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 264. Merged Districts; Assets and Liabilities.--(264 repealed Dec. 7, 1965, P.L.1034, No.385)

(g) Apportionment of Property and Indebtedness.

Section 271. Amicable Adjustment and Apportionment.--In any case where (1) any school district is abolished and its land reverts to or becomes a part of two or more school districts, or (2) any land heretofore annexed to one school district is made a part of the district in which it is located, or (3) a new district is made by the creation of a new city, borough, township, or independent school district, out of one or more school districts, or (4) the boundary lines of any district are changed by the changing of the boundary lines of any city, incorporated town, borough, township, or school district, or (5) any part of any school district is merged with any other district or districts or parts thereof, then, in any such case, the school districts to which land has been annexed or from which land has been taken, or which have been newly created, shall make a just and proper adjustment and apportionment of all school property, real and personal, including funds, as well as indebtedness, and rental obligations to an approved school building authority, if any, to and among such school districts. Such adjustment and apportionment shall be made as of the date of the decree or order creating such new city, borough, township, or school district, or of the decree of the court or vote of the electors effecting such annexation or merger, or the first Monday of July following approval by the Council of Basic Education of the annexation for school purposes.

(271 amended Oct. 21, 1965, P.L.601, No.312)

Section 272. Apportionments; How and When Made.--In making such adjustment and apportionment of property, indebtedness, and rental obligations to an approved school building authority, the amount and assessed value of land acquired by or taken from such districts, as compared with the amount and assessed value of the other land in the districts, as well as the value of the school grounds, together with the buildings thereon, and the furniture and equipment therein, and other school property in such districts, shall be taken into consideration in determining the amount, if any, that shall be paid by one district to another, or in apportioning the indebtedness, and rental obligations to an approved school building authority, if any, that shall be assumed and paid by any of the districts. Such adjustment and apportionment of property and liability shall be made by the boards of school directors of the several districts concerned, before or during the first school year after such boundaries have been changed.

(272 amended Aug. 22, 1961, P.L.1022, No.460)

Section 273. Apportionment by Commissioners.--In case the boards of school directors of the several school districts cannot make amicable apportionment and adjustment of their property, indebtedness and rental obligations to an approved school building authority, before or during the first school year beginning after any such change in their boundary lines is made, any one of such school districts may, at any time within the succeeding school year, present its petition to the court of common pleas of the county in which such school district is located. The court shall appoint three disinterested commissioners, residents and taxpayers of the county, not residing in either of the districts whose boundary lines are changed. Such commissioners, after a hearing, shall make a report to the court, making an apportionment and adjustment, according to the provisions of this act, of all school property, as well as indebtedness, and rental obligations to an approved

school building authority, if any, to and among the several school districts from which or to which land has been taken or added, or which have been newly created, as the case may be. Said report shall state the amount, if any, that shall be due and payable from one district to another, as well as the amount of indebtedness, and rental obligations tc an approved school building authority, if any, that shall be assumed by any district. Due notice of such hearing shall be given to the several districts interested as the court may direct.

(273 amended Aug. 22, 1961, P.L.1022, No.460)

Section 274. Confirmation of Report; Effect; Costs.--The commissioners shall give the several districts interested at least five (5) days' notice of the filing of their report. Unless exceptions are filed thereto by any district interested within thirty (30) days after the filing thereof, the same shall be confirmed by the court absolutely. Any sum awarded by said report to any school district shall be a legal and valid claim in its favor against the school district charged therewith. The amount of debt, if any, apportioned to any school district shall be a legal and valid claim against such district charged therewith. Upon the report of the commissioners being confirmed, such claims or indebtedness charged against any school district may be collected in the same manner as a judgment is collected against any school district.

Such commissioners shall be allowed three dollars ($3) per day for each day actually spent by them in the performance of their duties, together with their actual necessary expenses. All costs and expenses of such proceeding shall be apportioned by the court, to and among the several school districts, as it shall deem proper.

Section 275. Court to Dispose of Exceptions.--In case exceptions are filed to the report of the commissioners, the court shall dispose of the same, taking testimony therein, if it deems advisable. The decision of the court thereon shall be final and binding on the several districts, without any right of appeal.

Section 276. Apportionment by Bill in Equity.--If the respective school districts shall neglect or refuse to petition the court for the appointment of commissioners to secure an apportionment and adjustment within the period of the second year, as herein provided, either of said school districts, or any ten resident citizens owning taxable property within either of said school districts, may file a bill in equity at any time within six (6) years from the date of said change in boundary lines, in the name of the school district or for the use of the school district, against the other school district, in the court of common pleas of the proper county, to have such indebtedness apportioned and adjusted, and setting forth the facts upon which any claim of amounts due shall be made in accordance with the manner of adjustment set forth in the preceding sections of this act. Such case shall be proceeded with in accordance with the equity rules and a decree of dismissal or of payment shall be made after due hearing by the court, subject to further right of appeal, as allowed by law.

Section 277. Districts in More Than One County.--In cases in which such districts are situated in two or more counties, the court of common pleas of the county in which the largest part in area of the land annexed to or taken from any district is situated shall have exclusive jurisdiction over the matter. If

commissioners are to be appointed, the court may appoint the commissioners from any one or all such counties.

(h) Reorganization of School Districts.

((h) repealed Aug. 8, 1963, P.L.564, No.299)

Section 281. Standards for Organization of Administrative Units.--(281 repealed Aug. 8, 1963, P.L.564, No.299)

Section 282. Submission of Plans.--(282 repealed Aug. 8, 1963, P.L.564, No.299)

Section 283. Approval of Plans.--(283 repealed Aug. 8, 1963, P.L.564, No.299)

Section 284. Disapproval of Plans.--(284 repealed Aug. 8, 1963, P.L.564, No.299)

Section 285. Department of Public Instruction to Prepare Plans.--(285 repealed Aug. 8, 1963, P.L.564, No.299)

Section 286. Establishment of Reorganized School Districts.--(286 repealed Aug. 8, 1963, P.L.564, No.299)

(i) Reorganization.

((i) added Aug. 8, 1963, P.L.564, No.299)

Section 290. Purpose; Construction of Subdivision.--The purpose of this subdivision is to provide a flexible framework and effective and orderly means whereby the administrative units of the Commonwealth's public school system can be expeditiously reorganized. While deeply impressed with the continuous dedicated responsibility exercised over the last century by the citizenry through their local boards of school directors, the General Assembly must also be cognizant of the responsibility placed upon it by Article X., section 1 of the Constitution of Pennsylvania which requires in part, that "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of the Commonwealth above the age of six years may be educated ...." As the evidence demonstrates beyond reasonable dispute that the present administrative system of more than two thousand (2,000) school districts is incapable of providing adequate education and appropriate training for all of the children of the Commonwealth above the age of six, the General Assembly hereby renews its dedication to its responsibility of providing a thorough and efficient system of public schools within the Commonwealth. It is hereby declared to be the purpose and intention of the General Assembly to establish the procedures and provide for the standards and criteria under which school directors and district administrators and county boards of school directors and county administrators shall have the power and bear the duty of determining the appropriate administrative units to be created in each county to carry out the responsibilities shared by them and the General Assembly, of educating and training each child within his capacity to the extent demanded by the immediate requirements of growth and strengthening of this Commonwealth and nation. Only where such local officials fail to act, or act arbitrarily outside of the standards and criteria provided for in the sections following, shall the Commonwealth through its duly authorized agencies and officials act to insure compliance with law within the powers set forth below and as restricted therein. The improvements in the educational system hereby obtained are not to be construed as a final resolution of organizational problems. Local school officials as agents of the General Assembly are directed to continually review organizational patterns and adopt without delay all changes which will accelerate the progress of public

education. It is further declared to be the purpose and intention of the General Assembly that the above may be used in construing and arriving at legislative intent with respect to the provisions of this subdivision.

(290 added Aug. 8, 1963, P.L.564, No.299)

Section 290.1. Educational Performance Standards.--To implement the purpose of this subdivision, the State Board of Education, as soon as possible and in any event no later than July 1, 1965, shall develop or cause to be developed an evaluation procedure designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools of the Commonwealth. The evaluation procedure to be developed shall include tests measuring the achievements and performance of students pursuing all of the various subjects and courses comprising the curricula. The evaluation procedure shall be so constructed and developed as to provide each school district with relevant comparative data to enable directors and administrators to more readily appraise the educational performance and to effectuate without delay the strengthening of the district's educational program. Tests developed under the authority of this section to be administered to pupils shall be used for the purpose of providing a uniform evaluation of each school district and the other purposes set forth in this subdivision. The State Board of Education shall devise performance standards upon the completion of the evaluation procedure required by this section.

(290.1 added Aug. 8, 1963, P.L.564, No.299)

Section 291. Standards for Organization of Administrative Units.--The State Board of Education, within ninety (90) days of the effective date of this amending act, shall adopt standards for approval of administrative units, taking into consideration the following factors: topography, pupil population, community characteristics, transportation of pupils, use of existing school buildings, existing administrative units, potential population changes and the capability of providing a comprehensive program of education.

(291 added Aug. 8, 1963, P.L.564, No.299)

Section 292. Submission of Plans.--Each county board of school directors, on or before July 1, 1964, shall prepare a plan of organization of administrative units for the county, conforming to the standards for approval of administrative units adopted by the State Board of Education. The plan shall be submitted to the Department of Public Instruction not less than thirty (30) days nor more than sixty (60) days after it is prepared. Any school district which considers itself aggrieved by the plan may set forth its specific objections in a petition which shall be served by registered or certified mail on the secretary of the county board of school directors. All such petitions filed shall be appended to the plan prior to submission to the Department of Public Instruction. No plan of organization of administrative units shall be submitted which violates any written agreement entered into by several school districts for the establishment of a joint school or department, unless the agreement is amended to provide that it shall be discontinued at the time the proposed administrative unit is deemed established as a school district. A plan of organization of administrative units shall be deemed to violate a written agreement entered into by several school districts for the establishment of a joint school or department only when it

formulates an administrative unit, which in whole or in part comprises less than all of the school districts joined by such agreement. In preparing its plans, a county board of school directors shall confer with school directors and administrators of all school districts of the county, and may confer with the staff of the Department of Public Instruction and upon written request shall confer with other interested persons. Each plan shall assure the continuity of special education and area technical school programs by providing special education and area technical school attendance areas established in accordance with standards approved by the State Board of Education.

Each county board of school directors which prepared and submitted to the Department of Public Instruction prior to January 1, 1963, a plan of organization of administrative units for the county, shall, in compliance with the provisions hereof, reconsider such plan and submit the same or a revised plan on or before July 1, 1964, irrespective of the action taken on the prior plan. In those cases where the prior plan was approved by the State Council of Education, the plan submitted when approved by the Council of Basic Education shall supersede the prior approved plan as the plan of organization of administrative units for the county.

(292 added Aug. 8, 1963, P.L.564, No.299)

Section 292.1. Independent Districts.--When an independent district is created by the court of common pleas for purposes of transfer from one school district to another, the court shall submit to the State Board of Education its decree creating such district. Such decree shall be considered an application for the assignment of said district to the designated administrative unit of the approved county plan.

(292.1 amended Dec. 19, 1967, P.L.865, No.383)

Section 293. Approval of Plans.--(a) When any plan of organization of administrative units for a county is found to conform to the standards for approval of administrative units adopted by the State Board of Education, the Department of Public Instruction shall cause such plan to be placed upon the agenda of the Council of Basic Education. The Council of Basic Education shall review all plans placed upon its agenda, and approve such plans as it deems wise in the best interests of the educational system of the Commonwealth. Except as hereinafter provided, no plan of organization of administrative units shall be approved in which any proposed school district contains a pupil population of less than four thousand (4,000), unless when factors of topography, pupil population, community characteristics, transportation of pupils, use of existing school buildings, existing administrative units, potential population changes and the capability of providing a comprehensive program of education are considered by the Council of Basic Education as requiring the approval of a plan of organization of administrative units in which one or more proposed school districts contains a pupil population of less than four thousand (4,000). (b) A plan of organization of administrative units for a county shall be approved by the Council of Basic Education, if the plan contains (i) no unit with a pupil population less than that of the unit with the smallest pupil population in the last previous county-wide plan submitted to and approved by the State Council of Education prior to September 12, 1961, and (ii) no more units than were in the aforesaid county-wide plan plus an additional unit for each

second class district which was not required to be a part of such county-wide plan and which was not included in an administrative unit thereof. (c) Pupil population as used in this section shall mean the average daily membership for the school year 1961-1962 including kindergarten or grade one through grade twelve.

(292 added Aug. 8, 1963, P.L.564, No.299)

Section 293.1. Independent Districts.--When a court decree is received creating an independent district for transfer purposes, the State Board of Education shall place such item on its agenda and either approve or disapprove the creation and transfer. If approval is given, the board shall direct the Council of Basic Education to make the necessary changes in the county plan. If disapproved, the board shall state its reasons for such disapproval and the independent district shall be provided a hearing if it so desires.

(293.1 amended Dec. 19, 1967, P.L.865, No.383)

Section 293.2. Consolidation of Municipalities.--Whenever the court of common pleas in any county orders the consolidation of any municipalities, it shall serve a copy of its order on the State Board of Education. Upon receipt of such order the board shall direct the Council of Basic Education to make such changes in county plans as may be necessary.

(293.2 added Jun. 23, 1965, P.L.139, No.95)

Section 294. Disapproval of Plans.--When any plan of organization of administrative units for a county is disapproved by the Council of Basic Education, it shall be returned to the county board of school directors which submitted the plan for reconsideration, amendment and resubmission in accordance with the recommendations of the Council of Basic Education.

(294 added Aug. 8, 1963, P.L.564, No.299)

Section 295. Department of Public Instruction to Prepare Plans.--In the event that no plan of organization of administrative units is approved by the Council of Basic Education for a county prior to January 1, 1965, the Department of Public Instruction shall prepare and place upon the agenda of the Council of Basic Education a plan of organization of administrative units for the county. When approved by the Council of Basic Education, such plan shall be deemed the approved plan of organization of administrative units for the county.

Any school district which considers itself aggrieved by a plan of organization of administrative units approved by the Council of Basic Education may appeal to the State Board of Education by filing a petition, within thirty (30) days after approval of the plan, setting forth the grounds for such appeal. A copy of such petition shall be served by registered or certified mail on the secretary of the county board of school directors. The State Board of Education, or its representative, shall fix a day and time for hearing, shall give written notice to all parties interested, and may hear and consider such testimony as it may deem advisable to enable it to make a decision. After reaching its decision, the State Board of Education shall enter such order as appears to it just and proper, either directing the Council of Basic Education to approve the plan in an amended form or confirming the plan in the form previously approved by the Council of Basic Education. The decision of the State Board of Education shall be final, unless an appeal is taken as now provided under the provisions

of the "Administrative Agency Law."

(295 added Aug. 8, 1963, P.L.564, No.299)

Section 296. Establishment of Reorganized School Districts.--On July 1, 1966, or on the date of advance establishment, all administrative units contained in plans of organization of administrative units approved by the Council of Basic Education shall constitute and be deemed established as school districts, and shall belong to the class to which they are entitled as provided by law: Provided, however, if any approved administrative unit includes any district or districts of the second, third, or fourth class with any district of the first class A, such district or districts of the second, third, or fourth class shall be merged into and become part of said district of the first class A, and said district of the first class A as thus enlarged shall be the reorganized district and shall be considered as having had continued existence.

(296 amended Jun. 2, 1965, P.I.86, No.59)

Section 297. Advance Establishment.--(a) Any administrative unit contained in a plan of organization of administrative units approved by the Council of Basic Education may constitute and be deemed established as a school district on July 1, 1964, or on July 1, 1965, when the following conditions have been satisfied:

(1) All appeals to the State Board of Education from the action of the Council of Basic Education approving the plan of organization of administrative units have been finally determined;

(2) At a regular meeting or at a special meeting called for such purpose, the board of school directors of each school district composing the administrative unit has approved by majority vote the establishment in advance of July 1, 1966, of the proposed school district contained in the plan of organization of administrative units approved by the Council of Basic Education;

(3) A copy of the resolution of each school district is filed with the Department of Public Instruction; and

(4) The Superintendent of Public Instruction certifies to the Council of Basic Education that all school districts composing the administrative unit have filed resolutions with the Department of Public Instruction approving the establishment of the school district in advance of July 1, 1966. The certification shall state the date when the school district shall be deemed established.

(b) Any school district established in advance of July 1, 1966, shall be entitled to all the benefits of this act and shall be subject to all of the provisions of this act as if the school district were constituted and deemed established on July 1, 1966: Provided, however, That in the case of school districts established on July 1, 1964, the provisions of section 303.1 of this act relating to election of school directors shall be advanced two years: And provided further, That in the case of school districts established on July 1, 1965, the provisions of section 303.1 of this act shall not be advanced.

(297 added Aug. 8, 1963, P.L.564, No.299)

Section 298. Property and Indebtedness and Rental Obligations of Former School Districts.--(a) Except as otherwise provided in this section, all real and personal property, indebtedness and rental obligations to an approved school building authority or non-profit corporation, if any, of former school districts composing any school district constituted and

deemed established pursuant to this subdivision (i) shall become the property, indebtedness and rental obligations of such newly established school district. All rights of creditors against any of the component former school districts shall be preserved against the newly established school district. All property theretofore vested in the component former school districts shall become vested in the newly established school district, and all debts and taxes owing to the component former school districts, uncollected in the several component former school districts, and all moneys in the treasuries of the component former school districts, shall be paid to the treasurer of the newly established school district. ((a) added Aug. 8, 1963, P.L.564, No.299)

(b) All obligations of any component former school district evidenced by funding bonds issued after September 12, 1961, for the purpose of funding unfunded debt contracted for current operating expenses, shall continue to be an obligation of the taxable property within such former component school district and any sinking fund created on account of such indebtedness shall remain the separate sinking fund for such bonds. In levying and assessing taxes for the first school year of operation, the interim operating committee, and in levying and assessing such taxes for each subsequent school year, the board of school directors of the newly established school district, shall levy and assess, upon the taxable property within such component former school district for which bonds issued after September 12, 1961, for the purpose of funding unfunded debt contracted for current operating expenses shall be outstanding, a tax in addition to all other school district taxes, in an amount sufficient to discharge the obligation of such component former school district, as set forth pursuant to section 207 of the Municipal Borrowing Law, in the resolution increasing the indebtedness of such component former school district for such purpose. If such funding bonds shall be a part of an issue of bonds issued partly for other purposes, such funding bonds shall be deemed to be the bonds of such issue which mature first: Provided, however, if any district of the second, third or fourth class is merged into and becomes part of any district of the first class A as a reorganized or newly established school district, the reorganized or newly established district, for its first year of operation and for every subsequent year, shall levy and assess the aforesaid tax on the territory comprising the district of the second, third or fourth class merged into and becoming a part of the school district of the first class A: Provided further, That by agreement in writing approved by a majority vote of the directors of the district of the second, third or fourth class merged into and becoming a district of the first class A as a reorganized or newly established school district, and the directors of the district of the first class A, entered into prior to the effective date of reorganization, the provisions of this subsection may be waived. ((b) amended Jun. 2, 1965, P.L.86, No.59)

ARTICLE III.
SCHOOL DIRECTORS.

Section 301. Board of Directors; Election or Appointment.--The public school system of the Commonwealth shall be administered by a board of school directors, to be elected or appointed, as hereinafter provided. At each election of school

directors, each qualified voter shall be entitled to cast one vote for each school director to be elected. Any system providing for cumulative voting for the office of school director is hereby abolished.

Section 302. Number and Appointment in Districts First Class and First Class A; Reorganized District of First Class A Containing Former Districts of Second, Third or Fourth Class: Terms of Office.--(a) In each school district of the first class or of the first class A, the board shall be known as the "Board of Public Education," and shall consist of fifteen (15) school directors, whose term of office shall be six (6) years. The terms of five of the members shall expire on the second Monday of November of each odd numbered year, as now provided by law. The judges of the courts of common pleas of the county in which such school district is situated shall, in October of every odd numbered year, appoint five (5) members for terms of six (6) years. Their term of office shall begin on the second Monday of November next following their appointment.

(b) When a school district or districts of the second, third or fourth class is merged into and becomes part of a district of the first class A as a reorganized district under the provisions of Article II, subdivision (i) of this act, the terms of office of all directors of such district or districts of the second, third or fourth class shall terminate on the date of establishment of such reorganized district of the first class A.

As soon as a vacancy occurs in the office of Director of the Board of Public Education, a resident of the area comprising the district of the second, third or fourth class merged into and becoming a part of the school district of the first class A shall be appointed to the Board of Public Education of the reorganized district and following the expiration of the term of the director so appointed, the appointment of directors shall be without regard to this limitation.

(302 amended Jun. 2, 1965, P.L.86, No.59)

Section 302.1. School Board in First Class A School Districts; Apportionment of Seats, and Numbers, Terms, and Methods for Election of School Directors in First Class A School Districts.--(a) Composition of School Board.

(1) In each school district of the first class A, the school board shall be known as the Board of Public Education and shall consist of an odd number of members not less than seven nor more than fifteen school directors, to be elected by the qualified voters of the school district by specified districts.

(2) There shall be a corresponding odd number, not less than seven nor more than fifteen separate districts for each of which only one candidate shall be elected. Each candidate shall be nominated only for the specified district in which he resides and each elected member shall represent only a specified district in which he resides, such districts to be constituted as hereinafter set forth.

(b) Term of Office.

All elected members shall serve for a term of four years except the three, four, five, six or seven members elected at the initial election in even numbered school director districts, who shall serve for two years. In the event the first election occurs in an even-numbered year, the terms of the initial members shall be increased by one year, so that future elections can be held in odd-numbered years. In the case of death or resignation of elected members, the mayor of the most populous

municipality contained in such school district shall fill the vacancy from the same school director district in which the vacancy occurred until the first Monday in December following the next municipal primary occurring one hundred twenty days after the vacancy occurred.

(c) Apportionment.

(1) In each school district of the first class A, a school director district apportionment commission shall be constituted for the purpose of establishing an odd number not less than seven nor more than fifteen school director districts within the first class A school district by assigning each election district within such school district into one of such school director districts. The commission shall select that odd number of districts from seven to fifteen which will best provide for racial balance and proportional representation of all segments of the population at the time of the apportionment. Such school director districts shall be compact, contiguous, and as nearly equal in population as practicable.

(2) The commission shall consist of six members, two to be appointed by the mayor of the most populous municipality in such school district, three by the city council of such municipality and one by the mayor of any other municipality in such school district with the approval of the legislative body thereof. The commission shall elect one of its members chairman, and shall act by a majority of its entire membership. If any of the appointing authorities shall fail to make any or all of such appointments within fifteen days after enactment of this act, such appointment or appointments shall be made by the court of common pleas.

(3) No later than forty-five days after the commission has been duly certified, the commission shall file an apportionment plan with the county board of elections to be submitted to the voters of the district at the next primary election occurring not less than ninety-one days after the plan is filed with the county board and at which primary election the candidates for members of the school board shall be nominated.

(4) Each year following the year in which such Federal census data is officially reported, a school director district reapportionment commission shall be constituted in like manner and with like composition as the initial school director district apportionment commission herein set forth. Such reapportionment commission shall file its plan no later than forty-five days after either the commission has been duly certified or the population data for the first class A school district as determined by the Federal decennial census are available, whichever is later in time.

(5) The school district shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by such apportionment and reapportionment commissions, and other necessary expenses. The members of such commissions shall be entitled to such compensation for their services as the school district from time to time shall determine, but no part thereof shall be paid until a plan is filed.

(6) If an apportionment or reapportionment plan is not filed by the commission within the time prescribed by this section, the court of common pleas of the county in which the district is located shall immediately proceed on its own motion to apportion or reapportion the school director districts.

(7) Any apportionment or reapportionment plan, filed by any

such commission or prepared by the court of common pleas of the county in which the district is located upon the failure of the commission to act shall be published by the county board of elections once in at least one newspaper of general circulation in the most populous municipality of the school district, which publication shall contain a map of the school district showing the complete apportionment or reapportionment of the school director districts. The publication shall also state the population of the school director districts having the smallest and largest population and the percentage variation of such districts from the average population for such districts.

(8) The county board of elections shall place upon the ballot to be submitted to the voters of each first class A school district under the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," the following question:

Shall the apportionment plan submitted by the school director district apportionment commission for the election of members of the Board of Public Education of the school district of.....be approved? Yes / No

In the event the voters shall reject the apportionment plan, the nomination of school directors under this section shall be void and the present board shall continue, but a second referendum, upon the petition of fifteen per cent of the registered voters of the school district, may be held after two years from the date of the first election.

(d) Nomination and Elections of School Directors. School directors shall be nominated and elected in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(e) Applicable Law upon Adoption. After the election of school directors from specified districts in accordance therewith, the Board of Public Education of such first class A school district shall be governed by the provisions of this section and by all other provisions of the act to which this is an amendment and other provisions of general law relating to first class A school districts which are not inconsistent with the provisions of this section. The provisions of this section shall supersede all other parts of the act to which this is an amendment and all other acts affecting the organization of school districts of the first class A to the extent that they are inconsistent or in conflict herewith. All existing acts or parts of acts and resolutions affecting the organization of first class A school districts not inconsistent or in conflict with the provisions of this section shall remain in full force until modified or repealed as provided by law.

(f) Certain Prohibitions of Service. No superintendent, assistant superintendent, supervising principal, teacher or other employe shall serve either temporarily or permanently as a member of the school board by which employed.

(g) Transition Provisions and Expiration of Existing Terms. The terms of existing appointed board members shall terminate on the first Monday of December in 1976 or in any subsequent year in which the initial elected members are elected, at which time the terms of all members to be elected as herein provided shall be deemed to begin. Thereafter the terms of all elected members shall expire on the first Monday of December in the year in which the length of term to which such members shall have been

elected has been served.

(302.1 added Dec. 19, 1975, P.L.511, No.150)

Section 303. Number and Election in Districts of the Second, Third and Fourth Classes; Terms of Office.--(a) In each school district of the second class, and on and after July 1, 1966, or if there is advance establishment July 1, 1964, or July 1, 1965, as the case may be, in each school district of the second, third and fourth class, there shall be a board of nine (9) school directors, who, except as otherwise provided in this act, shall be elected at large for terms of six (6) years. The terms of three of the members shall expire on the first Monday of December of each odd numbered year, as now provided by law. At each municipal election, three school directors, except as otherwise provided in this act, shall be elected at large for terms of six (6) years. Their terms of office shall begin on the first Monday of December following their election. Beginning with the terms to be filled at the municipal election held in 1979 and each odd numbered year thereafter, the terms of school directors so elected shall be four (4) years. ((a) amended July 1, 1978, P.L. , No.105)

(b) (1) The interim operating committee or the board of school directors may develop a plan to elect school directors from regions or to elect some school directors at large and some from regions. Such a plan may also be developed by the resident electors of a school district as provided herein and shall have the same effect as one developed by the board of school directors.

(2) Electors equal to at least twenty-five (25) per centum of the highest vote cast for any school director in the last municipal election may develop a plan to elect school directors from regions or to elect some school directors from regions and some from the school district at large. Plans proposed by electors shall be subject to the same requirements as plans proposed by the board of school directors.

(3) The boundaries of the regions shall be fixed and established in such manner that the population of each region shall be as nearly equal as possible and shall be compatible with the boundaries of election districts. Such plan for the division of the school district shall be submitted for approval to the court of common pleas. If approved by such court, the clerk thereof shall certify the regional boundaries contained therein to the county board of elections. In the event of any division, redivision, alteration, change or consolidation of election districts which renders regional boundaries incompatible with the boundaries of election districts, a new plan shall be developed and submitted for court approval in like manner. Any proposed change in an approved plan, including abolition of regional representation, shall be submitted for approval to the court of common pleas by the board of school directors, or by a petition of the resident electors within the district. Where a region plan is approved, school directors who reside in each region shall be elected by and from each region. At all times each region shall be represented by directors elected or appointed from that region. Where a combination at large and region plan is approved, all regions shall have an equal number of school directors who reside in each region and who shall be elected or appointed by and from each region. At all times each region shall be represented by a director or directors elected or appointed from that region. All plans shall

provide that three school directors shall be elected at each municipal election. In a combination at large and region plan, the number of regions shall be three. In a region plan not combining at large directors, the number of regions shall be three or nine.

((b) amended July 1, 1978, P.L. , No.105)

(c) In any case where the newly established school district is situated in two or more counties, the plan for regional representation provided for herein shall be submitted for approval to the court of quarter sessions of the county in which the largest part in area of the land affected is situated, which court shall have exclusive jurisdiction over the matter.

(303 amended Aug. 8, 1963, P.L.564, No.299)

Section 303.1. Incumbent School Directors and Interim Operating Committee.--(a) All school directors of the component school districts forming an administrative unit composed of two or more school districts approved by the Council of Basic Education to be established as a school district shall serve out the terms of office for which they were elected. No vacancies occurring in such position after the date of establishment shall be filled.

(b) On or before the fifteenth day of January immediately preceding the date of establishment, such incumbent school directors of the component school districts shall be called into convention by the county superintendent of schools or, if necessary, after July 1, 1970, by the executive director of the intermediate unit and shall select by majority vote an interim operating committee composed of nine incumbent school directors. In selecting the interim operating committee, the incumbent school directors shall take into consideration the principle of proportionate representation according to population. If, by reason of failure to receive a majority vote, a tie vote, or otherwise all nine members of the interim operating committee are not selected at such convention, the county superintendent of schools shall call another convention within thirty days for the purpose of selecting the remaining members. If all remaining members are not selected at such second convention the court of common pleas of the proper county, upon the petition of the county superintendent of schools, shall within thirty days appoint to the interim operating committee, from the incumbent school directors, the remaining member or members and specify their terms. The decision of the convention in selecting the interim operating committee, except as hereinbefore provided, shall be final. Six of the members of the interim operating committee shall be selected for a term expiring on the first Monday of December, 1967; and three for a term expiring on the first Monday of December, 1969. In the event an incumbent director is selected for a term on the interim operating committee which would expire later than the term for which he was elected as a school director, he shall serve only until the end of his term for which he was elected as a school director. At the municipal elections held in November, 1967 three members shall be elected for a four-year term and three members shall be elected for a six-year term. Thereafter, all members shall be elected for six-year terms. The school directors elected at the municipal elections held in November, 1967, and thereafter, shall take the place of the appointed members of the board of school directors of the newly established school district as their terms expire. The members of the interim operating

committee shall become and shall serve as the board of school directors of the school district on and after the date of establishment. ((b) amended Jan. 14, 1970, P.L.468, No.192)

(c) The interim operating committee shall have the power and its duty shall be to meet, prepare and adopt a budget, levy and assess taxes and perform all acts and functions necessary to enable the proposed school district to function properly prior to the date of its establishment. The committee shall have the power to fill vacancies should a deficiency in membership arise due to death, resignation or otherwise: Provided, however, That vacancies shall first be filled by the selection of an incumbent school director, if any.

(d) The incumbent school directors not selected for membership on the interim operating committee shall serve in an advisory capacity to the interim operating committee and to the board of school directors of the newly established school district. Such incumbent school directors may attend meetings and participate in discussions of the interim operating committee and board of school directors, but shall have no vote.

(e) In the case of a single school district forming an administrative unit approved by the Council of Basic Education to be established as a school district, the incumbent school directors shall be the school directors of the newly established district and the election of school directors at each municipal election subsequent to the date of establishment shall be as provided in section 303 of this act. In the event the number of incumbent school directors is less than nine, the board of school directors on and after the date of establishment shall have the power to raise its membership to nine in the manner now provided by law to fill vacancies on the board.

(f) The interim operating committee or the board of school directors shall also have the power and its duty shall be to propose a name for the school district to be established. The name proposed shall be reported to the Department of Public Instruction which shall review the proposed name and approve it if it is not a duplication of a name previously approved by the Department of Public Instruction. When it approves a name, the Department of Public Instruction shall issue a certificate stating that the approved name has been registered as the official designation of the school district.

(303.1 added Aug. 8, 1963, P.L.564, No.299)

Section 304. Number and Election in Districts Third Class; Terms of Office.--In each school district of the third class there shall be a board of seven (7) school directors, who shall be elected at large, and whose terms of office shall be six (6) years. The terms of the members now in office shall expire at the end of the terms for which they were respectively elected. At each of the municipal elections held in November, one thousand nine hundred and forty-nine (1949), and in November, one thousand nine hundred and fifty-one (1951), two school directors shall be elected. At the municipal election held in November, one thousand nine hundred and fifty-three (1953), three school directors shall be elected. At each of the first two municipal elections thereafter, two school directors shall be elected. At the third municipal election, three shall be elected. Thereafter, two school directors shall be elected at each of the two succeeding municipal elections, and three at each third municipal election. All shall be elected at large, for terms of six years. Their terms of office shall begin on the

first Monday of December following their election.

Section 305. Number and Election in Districts Fourth Class; Terms of Office.--In each school district of the fourth class there shall be a board of five (5) school directors, who shall be elected at large, and whose terms of office shall be six (6) years. The terms of the members now in office shall expire at the end of the terms for which they were respectively elected. At each of the municipal elections held in November, one thousand nine hundred and forty-nine (1949), and in November, one thousand nine hundred fifty-one (1951), two school directors shall be elected. At the municipal election held in November, one thousand nine hundred fifty-three (1953), one school director shall be elected. At each of the first two municipal elections thereafter, two school directors shall be elected. At the third municipal election, one shall be elected. Thereafter, two school directors shall be elected at each of the two succeeding municipal elections, and one at each third municipal election. All shall be elected at large, for terms of six (6) years. Their terms of office shall begin on the first Monday of December following their election.

Section 306. Elections Where District Not Coextensive With, or in More than One City, Borough, Town or Township.--Whenever any school district is not coextensive with a city, borough, incorporated town, or township, the county commissioners shall furnish the proper election officials with a certified list of the qualified electors of such school district and with the necessary ballots to enable such electors to vote on matters pertaining solely to such school district. When such school district lies in two or more cities, boroughs, incorporated towns, or townships, or any combination thereof, the judge, inspectors, and clerks of each election district within such school district which lies in two or more cities, boroughs, incorporated towns, and townships, or any combination thereof, shall make out a complete return of all the votes given at any election for officers in the school district, or for the submission of any question to the electors of such district, designating the number of votes cast for each person, and for and against each question so submitted to the electors. Whereupon, the judge and inspectors shall appoint one of their number for return judge to meet the other return judge or judges of the school district, on the second day after any such election, at the oldest election place within the district or at such place within the district as shall have been appointed by the court of common pleas. The judges shall then and there add together the number of votes cast for each person voted for, and for and against any question submitted to the electors, and shall make out the returns as the nature of the election may require, complying in all respects with the provisions of existing election laws. After the performance of such duties, the return judges shall appoint one of their number, by consent or lot, to deliver, within two days thereafter, the full returns of the vote for officers, to the prothonotary of the court of common pleas, and of the vote on questions submitted to electors, to the clerk of the court of quarter sessions of the proper county, in the manner now provided by law for making township or borough returns. Such judges shall ascertain and declare the result of such election and shall issue certificates to persons elected to fill such offices, within five (5) days after making such returns.

Section 307. Newly Formed Districts.--Where a new school district of the first, second, or third class is formed by the creation of a new city, borough or township, and where a new school district of the third or fourth class is so formed and is approved by the Council of Basic Education, the court of common pleas having jurisdiction shall appoint a board of school directors for such new school district, which shall serve until the first Monday of December next following the first municipal election occurring more than thirty (30) days after the formation of such new school district.

(307 amended Oct. 21, 1965, P.L.601, No.312)

Section 308. Elections or Appointments in Newly Formed Districts.--At the first municipal election occurring more than thirty (30) days subsequent to the formation of such new school district, a board of school directors for such district shall be elected or appointed, as provided in this act. Such school directors shall be elected or appointed for such terms that the number and terms of those whose places are to be filled at each succeeding municipal election shall be the same as the number and terms of those whose places are filled at the corresponding election in other school districts of the same class.

When two or more school districts are combined into a single district as the result of State Board approval, the directors then in office in each component school district shall, until the end of their respective terms, be directors of the newly formed school district. Vacancies occurring in such incumbent positions shall not be filled. At the first municipal election following the date of establishment of the new district and at each subsequent municipal election, three directors shall be elected at large for six year terms. Their term of office shall begin on the first Monday of December following their election.

The school directors of the component districts of the new district before the date of establishment or the board of school directors after establishment, may, if they choose, develop a plan to divide the new school district into three or nine regions in the same manner as provided in section 303 of this act.

(308 amended Dec. 7, 1965, P.L.1034, No.385)

Section 309. Change of Class of Districts.--If any school district hereafter becomes a district of the first class, a new board of school directors shall be appointed in the manner provided in this act for the appointment of school directors in districts of the first class. If any school district hereafter becomes a district of any of the other classes and the number of directors therein is increased, the additional directors shall be appointed or elected as vacancies in the board of directors are now filled and for terms corresponding to those of directors in other school districts of the same class. When the change reduces the number of directors in such district, the school directors then in office shall hold office during the respective terms for which they are elected, and as vacancies are about to happen by the expiration of the terms of any directors, a number of directors shall be elected at the municipal election preceding such vacancies equal to the number of directors required by law to be elected at the corresponding election in other school districts of the same class.

Section 310. Annexation of Territory.--When territory comprising a separate school district is annexed to a city, or borough, or township, the terms of office of all the school

directors of such annexed territory shall expire at the beginning of the first school year after such annexation is effected, except the terms of the president and vice-president, who shall hold office during the respective terms for which they were elected.

(310 amended Mar. 11, 1957, P.L.6, No.2)

Section 311. Appointment or Election in Independent Districts; Terms of Office.--(311 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 311.1. Appointment in Independent Districts for Transfer Purposes; Terms of Office.--In the case of an independent district established by court for purposes of transfer to another school district subsequent to the passage of this act, the court shall appoint a director or directors, not to exceed three. The term of the directors so appointed shall begin on the date of appointment and shall terminate on the date the transfer to the receiving school district becomes effective. If there reside in the territory of the independent district one or more who are currently serving as school directors, the court shall make its first appointments from that group.

The directors so appointed shall have as their responsibility the right and authority to represent the independent district in all legal activities and conferences to properly effect the transfer of the independent district to the receiving school district.

(311.1 added Dec. 19, 1967, P.L.865, No.383)

Section 312. Union and Merged Districts.--(312 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 313. Merged Districts.--(313 repealed Jan. 18, 1952 (1951), P.L.2125, No.603)

Section 314. Two or More Persons Receiving Same Number of Votes.--If at any election two (2) or more candidates for school director receive the same number of votes for the same office, the candidates receiving the same number of votes shall cast lots before the county board of elections at twelve (12) o'clock noon on the third Friday following the election, and the one to whom the lot shall fall shall be entitled to the election. In any case where the fact of a tie vote is not authoritatively determined until the third Wednesday after the election, the time for casting lots shall be twelve (12) o'clock noon of the second day the fact of such tie is authoritatively determined. If any candidate or candidates receiving a tie vote fail to appear before twelve (12) o'clock ncon of said day the county board of elections shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person or by proxy duly appointed in writing.

(314 amended Sep. 1, 1965, P.L.434, No.220)

Section 315. Filling of Vacancies.--In case any vacancy shall occur in any board of school directors by reason of death, resignation, removal from the district, or otherwise, such vacancy shall, in a school district of the first class or of the first class A, be filled for the unexpired term by the court of common pleas of the county in which such school district is situated from the qualified electors of the district; and in a school district of the second, third, or fourth classes, the remaining members of the board of school directors shall, by a majority vote thereof, fill such vacancy from the qualified electors of the district within thirty (30) days thereafter. In a district of the second, third, or fourth class, the person

selected to fill such vacancy shall be a qualified elector of the district and shall hold his office, if the term thereof so long continues, until the first Monday of December after the first municipal election occurring more than sixty (60) days after his appointment. At such election an eligible person shall be elected for the remainder of the unexpired term. If, by reason of a tie vote or otherwise, such vacancy shall not have been filled by the board of school directors within thirty (30) days after such vacancy shall have occurred from the qualified electors of the district, the court of common pleas of the proper county, upon the petition of ten or more resident taxpayers, shall fill such vacancy by the appointment of a suitable person from the qualified electors of the district if the term of the vacant office so long continues, until the first Monday of December after the first municipal election occurring more than sixty (60) days after his appointment. At such election an eligible person shall be elected for the remainder of the unexpired term. When any member of a board of school directors heretofore or hereafter enlists or is inducted into the military or naval forces of the United States in time of war, a temporary vacancy shall be declared, which shall be filled by the remaining members of the board or the court, as the case may be from the qualified electors of the district, until the return of such member of the board from the military or naval service, or until the expiration of the term for which he shall have been elected, whichever shall be the shorter period.

(315 amended Nov. 28, 1973, P.L.361, No.127)

Section 316. Vacancies in Majority of Members.--In case vacancies occur whereby the offices of a majority of the members of any board of school directors, other than the board of school directors of a school district of the first class or of the first class A becomes vacant, such vacancies shall be filled by the court of common pleas of the county in which such school district is situated from the qualified electors of the district. The persons selected to fill such vacancies shall hold their offices, if the terms thereof continue so long, until the first Monday in December after the first municipal election occurring more than sixty (60) days after their appointment, at which election eligible persons shall be elected for the remainder of the respective unexpired term.

(316 amended Nov. 28, 1973, P.L.361, No.127)

Section 317. Vacancies in All Members.--If at any time vacancies exist or occur in the membership of all the members of any board of school directors in any school district, other than a school district of the first class or of the first class A, the court of common pleas of the county in which such district, or the largest part in area thereof, is located, shall, after ten (10) days from the time such vacancies exist or occur, appoint a board of properly qualified persons from the qualified electors of the district who shall serve, if the terms thereof continue so long, until the first Monday in December after the first municipal election occurring more than sixty (60) days after their appointment; at which election a board of school directors for such district shall be elected for the remainder of the respective unexpired term. Whenever a vacancy of the entire membership of a board of school directors in any school district of the fourth class occurs, the executive director of the intermediate unit may enter and take full charge of and, at

the expense of the district, maintain the schools thereof in accordance with the provisions of the school laws of the Commonwealth, under the direction of the Secretary of Education, and may continue in charge thereof until a board of school directors has been appointed from the qualified electors of the district and has qualified.

(317 amended Nov. 28, 1973, P.L.361, No.127)

Section 318. Removal for Failure to Organize or Neglect of Duty.--If the board of school directors in any district (1) fail to organize as hereafter provided, or (2) refuse or neglect to perform any duty imposed upon it by the provisions of this act relating to school districts or (3) being a party to a joint board agreement refuse or neglect tc perform any duty imposed upon it by the provisions of this act relating to joint boards or by the joint board agreement, any ten resident taxpayers in the district or, in the case of a distressed school district as defined in this act, the special board of control provided for in section 692 of this act, may present their or its petition in writing, verified by the oath or affirmation of at least three such resident taxpayers or, in the case of a distressed school district, by the Superintendent of Public Instruction, to the court of common pleas of the county in which such district or the largest part in area is located, setting forth the facts of such refusal or neglect of duty on the part of such schcol directors. The court shall grant a rule upon the school directors, returnable in not less than ten cr more than twenty days from the date of issue thereof, to show cause why they should not be removed from office. The school directors shall have at least five days' notice of the granting of the rule. On or before the return day of the rule the school directors, individually or jointly, shall file in writing their answer or answers to the petition, under oath. If the facts set forth in the petition, or any material part thereof, is denied, the court shall hear the several parties on such matters as are contained in the petition. If on such hearing, or if when no answer is filed denying the facts set forth in the petition, the court shall be of the opinion that any duty imposed on the board of school directors, which is by the provisions of this act made mandatory upon them to perform, has not been done or has been neglected by them the court shall have power to remove the board, or such of its number as in its opinion is proper, and appoint for the unexpired terms other qualified persons in their stead, subject to the provisions of this act.

The court shall impose the cost of such proceedings upon the petitioners, or upon the school directors, or upon the school district, or may apportion the same among them as it shall deem just and proper.

Any person so removed from the cffice of school director shall not be eligible again as school director for the period of five (5) years thereafter.

(318 amended Dec. 15, 1959, P.L.1842, No.675)

Section 319. Vacancy where Director Fails to Qualify or Attend Meetings.--If any person elected or appointed as school director, who has been notified of his election or appointment, shall refuse or neglect to qualify as such director, within ten days next succeeding the beginning cf his term of office, the remaining members of the board may declare his office as director vacant. His office shall be filled from the qualified electors of the district.

If any person having qualified as school director and any qualified school director who is a member of a joint board or who is selected as a member of a joint school committee or who is a member of a joint school committee by virtue of the provisions of a joint board agreement shall neglect or refuse to attend two successive regular meetings of the school board, joint board or joint school committee, unless detained by sickness, or prevented by necessary absence from the district, or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a school director, the remaining members of the board may declare his office as director vacant. His office shall be filled from the qualified electors of the district.

(319 amended Nov. 28, 1973, P.L.361, No.127)

Section 320. Notification of Election.--The number of votes cast for the several candidates for school directors in all school districts in this Commonwealth at any election shall be returned by the election officers, as provided by law, and the clerk, prothonotary, or other proper authority, shall, within ten days thereafter, under seal of the court, certify the result of the election to each candidate duly elected, and a duplicate copy of each such certificate shall be mailed to the president of the board of school directors in the district in which such person or persons were elected.

Section 321. Compensation; Oath of Office.--All persons elected or appointed as school directors shall serve without pay except as hereinafter provided. Before entering upon the duties of their office each shall take and subscribe to the following oath or affirmation, which may be administered by any one qualified to administer an oath, or as hereinafter provided:--

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

(321 amended Nov. 22, 1968, P.L.1079, No.331)

Section 322. Eligibility; Incompatible Offices.--Any citizen of this Commonwealth, having a good moral character, being eighteen (18) years of age or upwards, and having been a resident of the district for at least one (1) year prior to the date of his election or appointment, shall be eligible to the office of school director therein: Provided, That any person holding any office or position of profit under the government of any city of the first class, or the office of mayor, chief burgess, county commissioner, district attorney, city, borough, or township treasurer, member of council in any municipality, township commissioner, township supervisor, tax collector, assessor, assistant assessor, any comptroller, auditor, constable, executive director or assistant executive director of an intermediate unit, supervisor, principal, teacher, or employe of any school district, shall not be eligible as a school director in this Commonwealth. This section shall not prevent any district superintendent, assistant district superintendent, supervisor, teacher, or employe of any school district, from being a school director in a district other than the one in which he is so employed, and other than in a district with which the district in which he is employed operates a joint school or department. A school director shall not be eligible to the office of member of council in any municipality.

(322 amended Jun. 16, 1972, P.L.449, No.138)

Section 323. Ineligibility.--Any person who has held any office of trust or profit under the laws of the United States or of this Commonwealth, or in any county, city, borough, incorporated town, or township therein, and has been removed therefrom for any malfeasance in office, shall not be eligible to the office of school director.

Section 324. Not to be Employed by or do Business with District; Exceptions.--No school director shall, during the term for which he was elected or appointed, as a private person engaged in any business transaction with the school district in which he is elected or appointed, be employed in any capacity by the school district in which he is elected or appointed, or receive from such school district any pay for services rendered to the district except as provided in this act: Provided, That one who has served as a school director for two consecutive terms, of six years each, may be elected to the position of attorney or solicitor for the board of which he was a member by the unanimous vote of all the other members of the board, and, after resigning his office as school director, shall be entitled to receive such pay for his services as solicitor as the board of school directors may determine: Provided, however, That a school director may be appointed to the position of secretary to the board of a school district of the second class, of which he was a member during the term for which he was elected or appointed upon the unanimous consent of all the other members of the board after resigning his office as school director, and he shall be entitled to receive such pay for his services as secretary as the board of school directors shall determine: And provided further, That one who has served as a school director may, after resigning from office as a school director, be elected to the position of teacher by the board of which he was a member by a vote of at least two-thirds of all other members of the board and shall be entitled to receive such pay for his services as a teacher as the board of school directors may lawfully determine.

No school board shall draw, cause to be drawn or accept a specification for any item to be purchased by the school district that would limit the purchase of the item to the firm, corporation, partnership or other business entity of which a school director is an officer, agent or employe and exclude all other persons who could submit quotations or bid on an equivalent item.

(324 amended Jan. 18, 1968 (1967), P.L.963, No.429)

Section 325. Offering Bribes; Penalty.--Every person who shall, individually or by or through any agent or representative, directly or indirectly, promise, pay, or give to any school director in this Commonwealth, any sum of money or other valuable thing, or make any promise of any office or appointment of any kind, in order to influence or secure the voting for, or the appointment of, himself, or any other person, as a teacher, executive director or assistant executive director of an intermediate unit, district superintendent, assistant superintendent, tax collector, attendance officer, or to any other position connected with the public schools of this Commonwealth, or for the purpose of having his salary increased while holding any appointment under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine of not less than five dollars ($5) or more than five hundred dollars ($500), or be sentenced

to the county jail for not less than thirty (30) days or more than one year, or both, at the discretion of the court. Any person so convicted shall thereafter be ineligible to be engaged as a teacher or to hold any office or appointment provided for by the provisions of this act.

(325 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 326. Receiving Bribes; Penalty.--Any school director in this Commonwealth who shall, directly or indirectly, accept or receive any money or other valuable thing for voting for or against, or for withholding his vote for or against, any appointment or matter or action that may come before the board or any committee thereof, or before any convention of school directors of which he is a member, shall be guilty of a misdemeanor, and on conviction thereof shall forfeit his office and shall not be eligible again to hold office of any kind provided for in this act, and shall be sentenced to pay a fine of not less than five dollars ($5) or more than five hundred dollars ($500), or to undergo imprisonment in the county jail for a term of not less than thirty (30) days or more than one year, either or both, as the court may determine.

Section 327. Demanding, etc., Gratuities from Teachers or Supervisors; Withholding State Appropriation.--It shall be unlawful for any board of school directors to demand, request, or accept, directly or indirectly, any gift or donation from any teacher or supervisor within its employ. When the Superintendent of Public Instruction shall be of the opinion that any board of school directors has violated the provisions of this section, he shall have the power to refuse to authorize the payment of any amount payable to the school district by the Commonwealth on account of instruction for the school year in which such violation occurred.

(327 added May 14, 1949, P.L.1365, No.408)

ARTICLE IV.
ORGANIZATION MEETINGS AND OFFICERS OF BOARDS OF SCHOOL DIRECTORS.

(a) General Provisions.

Section 401. Beginning of School Year; Organization Meetings.--

(a) In all school districts of the first class the school year shall begin on the first day of January of each year and the school directors shall meet and organize annually during the second week of November.

(a.1) In all school districts of the first class A, the school directors shall meet and organize annually during the first week of December. ((a.1) added Aug. 5, 1977, P.L. , No.46)

(b) In all school districts of the second, third, and fourth class, except as hereinafter provided, the school year shall begin on the first day of July of each year and the school directors shall meet and organize annually during the first week of December.

(c) When a new school district is created, or when the offices of all the school directors of a district become vacant, the school directors appointed by the court, in any such case, shall meet and organize within ten days after their appointment.

(d) When two or more school districts are consolidated in any manner provided in this act and under the provisions of this act the members of the boards of directors of the respective

districts continue in office during the respective terms for which they were elected and become the school directors of the consolidated district, they shall organize during the first week of July following such consolidation by electing a president and vice-president who shall hold their respective offices until the first Monday of December following their election, and by the election of a secretary for the consolidated district who shall serve for the remainder of the term for which secretaries are elected, and by the election of a treasurer for the consolidated district who shall hold office for the school year.

(401 amended Dec. 14, 1967, P.L.837, No.363)

Section 402. Notice of Organization Meetings; Temporary Officers; etc.--All members of the board of school directors in every school district shall be given five days' notice, by mail, by the secretary of the retiring board, of the time and place of meeting for organization, at which time and place, if a majority are present, an organization shall be effected as follows: In districts of the first class there shall be elected from the hold-over members a temporary president and secretary; and in all other school districts there shall be elected from the hold-over members a temporary president, and the secretary of the board shall act as secretary of such meeting. The certificates of the election or appointment of all new school directors shall be read, and a list of the legally elected or appointed and qualified school directors prepared. If any of the members have not taken and subscribed to the oath of office required by this act, the same may be administered to them by the temporary president.

Section 403. Districts First Class and First Class A Permanent Organization; Election of Officers.--In all school districts of the first class or first class A, the school directors shall effect a permanent organization by electing a president and vice-president from their members, and a secretary who is not a member. They shall elect the treasurer of the city constituting all or the greater part of such school district of the first class or first class A as the school treasurer for such school district for the ensuing fiscal year.

The school treasurer of each school district of the first class or first class A may recommend to the board of public education for appointment, a deputy school treasurer. The board of public education shall appoint as deputy school treasurer the candidate recommended by the school treasurer, who, in case of death, resignation, or inability of the school treasurer to act, for any cause whatsoever, shall have the same powers and shall perform the same duties as imposed by law on the school treasurer. In case the school treasurer does not recommend to the board of public education for appointment a deputy school treasurer, the board of public education may elect a deputy school treasurer who shall serve until such time as the school treasurer recommends to the board of public education the appointment of a deputy school treasurer. The salary of the deputy school treasurer shall be fixed by the board of public education. He shall furnish bond in the sum of ten thousand dollars ($10,000).

(403 amended Jun. 2, 1965, P.L.86, No.59)

Section 404. Districts Second, Third and Fourth Class Permanent Organization; Election of Officers.--In each school district of the second, third and fourth class, the school directors shall effect a permanent organization by electing,

during the first week of December, from their members, a president and vice-president, each to serve for one year, and shall annually, during the month of May, elect a treasurer to serve for one year, beginning the first day of July following such election, and shall, during the month of May, one thousand nine hundred and fifty-three, and every four years thereafter, elect a secretary for a term of four years, beginning the first day of July following such election. The treasurer may be any corporation duly qualified and legally authorized to transact a fiduciary business in the Commonwealth. Vacancies in the office of secretary shall be filled for the unexpired term. In school districts of the second class the secretary and treasurer shall not be members of the board. In districts of the third and fourth class they may be members of the board. The same person shall not hold at the same time more than one of the offices of president, vice-president, secretary or treasurer of any board of school directors.

No superintendent, assistant superintendent, supervising principal, or teacher shall serve, either temporarily or permanently, as an officer of the school board by which he is employed.

(404 amended Dec. 14, 1967, P.L.837, No.363)

Section 405. President or Secretary Pro Tempore.--In the absence of both the president and vice-president, or of the secretary, the board of school directors may elect a president or secretary pro tempore for such meeting only, and the appointment of such temporary officer shall be noted on the minutes of such meeting.

Section 406. Solicitor and Other Appointees.--Each board of school directors may appoint a solicitor, such assistant solicitors and such other appointees, clerks or employes as it may deem proper, none of whom, except as provided in section three hundred twenty-four of this act, shall be a member of the board, and shall define their duties and fix their salaries.

(406 amended Jul. 31, 1968, P.L.1019, No.300)

Section 407. Rules and Regulations.--Each board of school directors may adopt reasonable rules and regulations for its government and control.

Section 408. Records, etc., Open to Taxpayers.--The accounts and records of proceedings of the board of every school district of the third and fourth class and of their officers shall be open to the inspection of any taxpayer thereof, his, her, or its agents or representative, upon request therefor, in writing, to the board of school directors at a regular meeting.

Section 409. Payment of Premiums on Officers' Bonds by School Districts.--When any officer or employe of any school district shall be required to give a bond for the faithful performance of his duties and such bond shall be required to be endorsed by a surety company, it shall be lawful for the school district to pay the premium on such bond.

(b) Meetings.

Section 421. Times and Places.--Each board of school directors in this Commonwealth shall have specified times and places at which it shall hold its meetings, and shall during the school term meet at least once every two months. The meetings for organization, and meetings provided for by any board of school directors at stated times at which such board is required to meet, or any adjournment thereof, shall be called "regular meetings," and all other meetings shall be called "special

meetings."

Section 422. Quorum; Filling Vacancies.--A majority of the members of a board of school directors shall be a quorum. If less than a majority is present at any meeting, no business shall be transacted at such meeting, but the members present may adjourn to some stated time: Provided, That if there shall be a minority of the board present, because a majority of the seats are vacant, then in such case the minority members at any such meeting may fill vacancies in the manner provided in this act.

Section 423. Special Meetings.--Members shall have reasonable notice of all special meetings, and any board may adopt reasonable rules directing the kind and length of notice of the meetings of the board that shall be given to its members by the secretary.

No business shall be transacted at any special meeting except that named in the call sent to the members for such special meeting: Provided, That special meetings may be called for general purposes.

Section 424. Meetings Open to Public.--(424 repealed Sep. 28, 1959, P.L.987, No.403)

(c) President and Vice-President.

Section 426. President to Preside; Calling Special Meetings.--The president shall preside at all meetings. He may call special meetings at any time. He shall call a special meeting whenever so requested, in writing, by any three members of the board of school directors. Should he fail or refuse so to do, a special meeting may be called at any time by a majority of the legally qualified and acting members of the board.

Section 427. Duties of President.--The president shall be the executive officer of the board of school directors, and as such he, together with the secretary, when directed by the board, shall execute any and all deeds, contracts, warrants to tax collectors, reports, and other papers pertaining to the business of the board, requiring the signature of the president. In school districts other than in school districts of the first class he shall, after the board has acted on and approved any bill or account for the payment of money authorized by this act, sign an order on the treasurer for the payment of the same. He shall in no case, except as this section otherwise provides, sign any order for any sum unless the same has first been acted upon and approved by the board, and the amount thereof and the name of the payee properly inserted. Any orders which shall be for the payment of amounts owing under any contracts which shall previously have been approved by the board, and by the prompt payment of which the district will receive a discount or other advantage, may be signed without the approval of the board first having been secured. All such orders shall be presented to the board at its next meeting. The president shall perform such other duties as the board may direct and as pertain to his office.

Section 428. Duties of Vice-President.--In the absence of the president the vice-president shall preside at all meetings, call special meetings whenever so requested by any three members of the board of directors, and when directed by the board shall execute any and all deeds, contracts, warrants to tax collectors and other papers pertaining to the business of the board, and perform all other duties imposed on the president. Except in school districts of the first class any school board, joint board or joint committee upon request of the president may

authorize its vice-president to sign checks or vouchers for the payment of current expenses and salaries.

(428 amended Aug. 2, 1955, P.L.294, No.109)

(d) Secretary.

Section 431. Bond.--Before he enters upon the duties of his office the secretary of the board of school directors shall furnish to the school district, for the faithful perfcrmance of his duties, a bond, in such amount and with such surety or sureties as may be required of him, and approved by the board of school directors. The cost of such bond may be paid for by the school district. In lieu of furnishing a surety bond, the secretary may file his own collateral bcnd, in such amount as may be required by the board of school directors, secured by an actual deposit with the board of school directors, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful perfcrmance of his duties as secretary. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond.

The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of school directors, at the amount provided therein. The board of school directors may permit the secretary to substitute for any one or more bonds or obligations included in any such securities, other bonds or obligations that meet the requirements of this act.

Section 432. Compensation.--The secretary of the board of school directors may receive for his services such compensation as the board shall fix, the amount of which shall be reported annually to the Superintendent of Public Instruction and be printed in his report.

Section 433. Duties.--The secretary of the board of school directors shall perform the following duties:

(1) He shall keep a correct and proper record of all the proceedings of the board, and shall prepare such reports and keep such accounts as are required by the provisions of this act;

(2) He shall after the board has acted on and approved any bill or account for the payment of money authorized by this act, prepare and sign an order on the treasurer for the payment of the same. He may prepare and sign orders on the treasurer for the payment of amounts owing under any contracts which shall previously have been approved by the board, and by the prompt payment of which the district will receive a discount or other advantage, without the approval of the board first having been secured;

(3) He shall attest, in writing, the execution of all deeds, contracts, reports, and other instruments that are to be executed by the board;

(4) He shall furnish, whenever requested, any and all reports concerning the school affairs of the district, on such form, and in such manner, as the State Board of Education or the Superintendent of Public Instruction may require; ((4) amended Oct. 21, 1965, P.L.601, No.312)

(5) He shall have general supervision of all the business affairs of the school district, subject to the instructions and direction of the board of school directors;

(6) He shall be the custodian of all the records, papers, office property, and official seal of the school district, and at the expiration of his term shall turn the same over to his successor;

(7) He shall keep correct accounts with each receiver of taxes, school treasurer, or school tax collector of the district, reporting a statement of the same, together with a statement of the finances of the district, at each regular meeting of the board, which statement shall be entered in full upon the minutes;

(8) He shall perform such other duties pertaining to the business of the district as are required by this act or as the board of school directors may direct.

Section 434. Assistant Secretary.--Every board of school directors may, by resolution, appoint an assistant secretary who shall, in the absence or disability of the secretary, perform the duties and exercise the powers of the secretary. The assistant secretary may be appointed from the membership of the board of school directors but shall not be any other officer thereof, shall not receive compensation for such services and shall be bonded.

(434 added Jul. 13, 1961, P.L.591, No.289)

(e) Treasurer.

Section 436. Bond.--Every person elected treasurer of any school district, including the city treasurer elected as treasurer of a school district of the first class, shall, before entering upon the duties of his office, furnish to the school district a proper bond, in such amount and with such corporate surety as the board of school directors therein may approve, conditioned for the faithful performance of his duties as school treasurer. If any school treasurer is re-elected, he shall furnish a new bond for each year. The treasurer's bond may be paid for by the school district. In lieu of furnishing such a bond, the treasurer may file his own collateral bond, in such amount as may be required by the board of school directors, secured by an actual deposit with the board of school directors, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful performance of his duties as treasurer. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond. The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of school directors, at the amount provided therein. The board of school directors may permit the treasurer to substitute for any one or more bonds or obligations included in any such securities, other bonds or obligations that meet the requirements of this act.

The school treasurer shall not enter upon the duties of his office until his bond, with the proper corporate surety or securities, has been furnished to, and approved by, the board of

school directors.

(436 amended Aug. 19, 1953, P.L.1153, No.314)

Section 437. Audit of Accounts.--The accounts of the school treasurer shall be audited annually as hereinafter provided.

Section 438. Compensation.--School treasurers shall be paid such compensation as the boards of school directors of the respective districts may determine. In all school districts of the second, third, and fourth class such compensation or commission shall not exceed two per centum of the amount of funds paid out on school orders. No compensation shall be allowed to any school treasurer on account of any balance in his hands paid over to his successor, nor for the repayment of any loan or redemption of bonds, whether upon order or otherwise. The compensation received by each school treasurer for the preceding year shall be reported annually to the Superintendent of Public Instruction, and be printed in his report.

Section 439. Receipt and Payment of School Funds.--The treasurer of each school district shall receive all State appropriations, district school taxes, and other funds belonging to the school district, and make payments out of the same on proper orders approved by the board of school directors, signed, except in districts of the first class, by the president, and, in any school district of the first class by the secretary. The treasurer may pay out such funds on orders which have been prepared and signed by the secretary, and in school districts other than in school districts of the first class, signed by the president, without the approval of the board first having been secured, for the payment of amounts owing under any contracts which shall previously have been approved by the board, and by the prompt payment of which the district will receive a discount or other advantage. In all school districts of the first class, all school orders before being paid by the school treasurer shall be approved by the school controller of such district.

Section 440. Deposit of Funds; Monthly Reports.--The treasurer of each school district shall deposit the funds belonging to the school district in the school depository, if any, as directed by the board of school directors, and shall at the end of each month make a report to the school controller, if any, and to the secretary of the board of school directors, of the amount of funds received and disbursed by him during the month. All deposits of school funds by any school treasurer shall be made in the name of the school district.

Section 440.1. Temporary Investment of School District Funds.--The board of school directors in any school district of the first class, first class A, second, third or fourth class may authorize the treasurer of such school district to make temporary investment of school district funds in United States treasury bills, or to place such funds in time accounts or share accounts of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation to the extent that such accounts are so insured or in certificates of deposit to the extent such certificates are secured by a proper bond in accordance with section 621 of this act or secured by such collateral as is set forth in section 622 of this act when, in its judgment, the interests of the school district will be enhanced thereby, and to dispose of such securities when the funds may be needed by the school district. Any such purchase or sale shall be made by the treasurer of the school district on a resolution adopted by the board of school

directors.

(440.1 amended Apr. 25, 1968, P.L.96, No.46)

Section 441. Settlement of Accounts.--The school treasurer shall settle his accounts annually with the board of school directors for each school year.

Section 442. Other Duties; Payment of Balance to Successor.--The school treasurer shall perform such other acts and duties pertaining to the district as the board of school directors may direct, or as may be required of him by law, and at the end of his term the school treasurer shall promptly pay over to his successor in office the balance of any and all money remaining in his hands, and shall deliver to him all books, accounts, and other property of the school district.

Section 443. Embezzlement; Penalty.--Any school treasurer who converts to his own use in any way whatsoever, or uses by way of investment, any portion of the school funds or school property entrusted to him for safekeeping or disbursement, or proves to be a defaulter, or fails to pay a proper school warrant when properly presented, or when legally required to do so, or fails to pay said funds or any part thereof to his successor in office, or to any other person authorized to demand and receive the same, or receives and accepts for his own use any interest or profit on any school funds, or fails to account for and pay over to the proper school district any and all interest or profit collected by or paid to him on account of any school funds in his hands, or deposited by him, or deposits any of the funds of the school district in any other name in the name of the school district, shall be guilty of embezzlement of so much of said money as shall thus be taken, converted, invested, accepted, collected, used, not paid over, unaccounted for, or wrongfully deposited. Every school treasurer, and every person aiding or abetting, or being in any way an accessory to said acts, or any of them, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine for the use of the school district of not less than twenty-five dollars ($25), and not more than one thousand dollars ($1000), or be sentenced to undergo imprisonment of not less than thirty (30) days, nor more than five (5) years, either or both, at the discretion of the court. Any school treasurer so convicted shall forfeit his office.

ARTICLE V.
DUTIES AND POWERS OF BOARDS OF SCHOOL DIRECTORS.

Section 501. Elementary Schools.--The board of school directors in every school district shall establish, equip, furnish, and maintain a sufficient number of elementary public schools, in compliance with the provisions of this act, to educate every person, residing in such district, between the ages of six and twenty-one years, who may attend.

Section 502. Additional Schools and Departments.--In addition to the elementary public schools, the board of school directors in any school district may establish, equip, furnish, and maintain the following additional schools or departments for the education and recreation of persons residing in said district, and for the proper operation of its schools, namely:--

High schools,
Trade schools,
Vocational schools,

Technical schools,
Cafeterias,
Agricultural schools,
Evening schools,
Kindergartens,
Libraries,
Museums,
Reading-rooms,
Gymnasiums,
Playgrounds,
Schools for physically and mentally handicapped,
Truant schools,
Parental schools,
Schools for adults,
Public lectures,

Such other schools or educational departments as the directors, in their wisdom, may see proper to establish.

Said additional schools or departments, when established, shall be an integral part of the public school system in such school district and shall be so administered.

No pupil shall be refused admission to the courses in these additional schools or departments, by reason of the fact that his elementary or academic education is being or has been received in a school other than a public school.

(502 amended May 9, 1949, P.L.939, No.263)

Section 503. Kindergartens.--The board of school directors in any school district may establish and maintain kindergartens for children between the ages of four and six years. When established, the kindergartens shall be an integral part of the elementary school system of the district, and be kept open for not less than two and one-half hours each day for the full school term as provided in section 1501.

The number of kindergartens in any one district shall be fixed by the board of school directors, and shall be open during the school year.

If the average attendance in any one kindergarten in any district is ten or less for the school year, the school directors shall, at the close of the school year, discontinue the same.

The board of school directors shall appoint and assign a sufficient number of teachers to such kindergartens, who shall be certified in accordance with the rules and regulations prescribed by the Council of Basic Education. (Par. amended Oct. 21, 1965, P.L.601, No.312)

(503 amended Sep. 21, 1959, P.L.925, No.373)

Section 504. Cafeterias.--(a) The board of school directors in any school district shall have power to establish, equip, maintain, and operate cafeterias, or to contract for any services necessary for the operation of a food service program, in any of the schools under its jurisdiction, whenever in its judgment it is deemed advisable to do so, and shall have power to appoint such directors, supervisors, or other employes as are necessary, and set and pay their salaries.

(b) The cost of housing, equipping and operating such cafeterias may be charged against the funds of the school district.

(c) The food served shall be sold to the pupils, teachers, and school employes of the cafeterias at such price as will not materially exceed the cost of operation.

(d) It shall be legal for boards of school directors to authorize the proper school employe to purchase perishable food supplies for cafeterias without advertising for bids.

(e) There shall be a separate cafeteria fund, and all payments from said fund shall be made upon a special order drawn by the school employe authorized to purchase food supplies. Said employe shall present each month to the board of directors, for approval, a statement of receipts and expenditures.

(f) The accounts shall be subject to examination by the auditors of the school district in like manner as other accounts of the school district. Any balance of funds accruing from the operation of the cafeteria must be used only for the improvement or maintenance of the cafeteria and may not be used for other purposes.

(504 amended July 1, 1978, P.L. , No.105)

Section 505. Establishment and Maintenance of Consolidated Schools.--The board of directors of any school district may establish, equip, furnish, and maintain consolidated schools formed by uniting two or more public schools, which prior to such union were maintained in separate buildings, and after such union are maintained in one school organization taught by two or more teachers. The board of school directors may transport pupils to and from such schools as provided for by this act.

(505 amended Oct. 21, 1965, P.L.601, No.312)

Section 506. Duty to Consolidate Schools.--Whenever graded schools can be made to accommodate the pupils of one or more one room schools by consolidating said one room school or schools with another school, either graded or ungraded, it shall be the duty of the board of school directors to abandon the one room school or schools, and instead of repairing or rebuilding the one room schoolhouse or schoolhouses, they shall erect a suitable modern building for the purpose of consolidating and properly grading all of the schools. No pupil of the abandoned schools shall be required to walk more than a mile and a half to the new school building.

Section 507. General Powers; Taxation.--In order to establish, enlarge, equip, furnish, operate, and maintain any schools or departments herein provided, or to pay any school indebtedness which any school district is required to pay, or to pay any indebtedness that may at any time hereafter be created by any school district, or to enable it to carry out any provisions of this act, the board of school directors in each school district is hereby vested with all the necessary authority and power annually to levy and collect, in the manner herein provided, the necessary taxes required, in addition to the annual State appropriation, and shall have, and be vested with, all necessary power and authority to comply with and carry out any or all of the provisions of this act.

Section 508. Majority Vote Required; Recording.--The affirmative vote of a majority of all the members of the board of school directors in every school district, duly recorded, showing how each member voted, shall be required in order to take action on the following subjects:--

Fixing length of school term.

Adopting textbooks.

Appointing or dismissing district superintendents, assistant district superintendents, associate superintendents, principals, and teachers.

Appointing tax collectors and other appointees.

Adopting the annual budget.
Levying and assessing taxes.
Purchasing, selling, or condemning land.
Locating new buildings or changing the locations of old ones.
Dismissing a teacher after a hearing.
Creating or increasing any indebtedness.
Adopting courses of study.
Establishing additional schools or departments.
Designating depositories for school funds.

Entering into contracts of any kind, including contracts for the purchase of fuel or any supplies, where the amount involved exceeds one hundred dollars ($100).

Fixing salaries or compensation of officers, teachers, or other appointees of the board of school directors.

Entering into contracts with and making appropriations to the intermediate unit for the district's proportionate share of the cost of services provided or to be provided for by the intermediate unit.

Failure to comply with the provisions of this section shall render such acts of the board of school directors void and unenforcible.

(508 amended Jan 14, 1970 (1969), P.L.468, No.192)

Section 509. Supervision over Schools; Visitation.--(509 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 510. Rules and Regulations; Safety Patrols.--The board of school directors in any school district may adopt and enforce such reasonable rules and regulations as it may deem necessary and proper, regarding the management of its school affairs and the conduct and deportment of all superintendents, teachers, and other appointees or employes during the time they are engaged in their duties to the district, as well as regarding the conduct and deportment of all pupils attending the public schools in the district, during such time as they are under the supervision of the board of school directors and teachers, including the time necessarily spent in coming to and returning from school.

In the exercise of this authority the board of school directors is empowered to organize school safety patrols and, with the permission of the parents, to appoint pupils as members thereof, for the purpose of influencing and encouraging the other pupils to refrain from crossing public highways at points other than at regular crossings, and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. Nothing herein contained shall be construed to authorize or permit the use of any safety patrol member for the purpose of directing vehicular traffic, nor shall any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic. No liability shall attach either to the school district, or any individual director, superintendent, teacher, or other school employe, by virtue of the organization, maintenance, or operation of a school safety patrol organized, maintained, and operated under authority of this section.

All flags, belts, apparel and devices issued, supplied or furnished to persons acting in the capacity of special school police, or special police appointed to control and direct traffic at or near schools, in order to enhance the conspicuity of such persons, shall be made from retro-reflective and fluorescent materials visible both day and night at three

hundred (300) feet to approaching motorists using lawful low beam headlights and shall conform tc standards, specifications, or regulations issued by the State Board of Education. All belts supplied or furnished to pupils active in the capacity of school safety patrol members shall be fluorescent.

(510 amended Jun. 29, 1976, P.L. , No.110)

Section 510.1. Special School Watchmen-School Districts in Townships of the Second Class.--The board of school directors of school districts in townships of the second class may, by resolution, appoint and fix the salary of special school watchmen, who shall have the duty of patrolling school grounds and protecting school property.

(510.1 added Jan. 14, 1952 (1951), P.L.2031, No.569)

Section 511. School Athletics, Publications, and Organizations.--

(a) The board of school directors in every school district shall prescribe, adopt, and enforce such reasonable rules and regulations as it may deem proper, regarding (1) the management, supervision, control, or prohibition of exercises, athletics, or games of any kind, school publications, debating, forensic, dramatic, musical, and other activities related to the school program, including raising and disbursing funds for any or all of such purposes and for scholarships, and (2) the organization, management, supervision, control, financing, or prohibition of organizations, clubs, societies and groups of the members of any class or school, and may provide for the suspension, dismissal, or other reasonable penalty in the case of any appointee, professional or other employe, or pupil who violates any of such rules or regulations.

(b) Any school or any class activity or organization thereof, with the approval of the board, may affiliate with any local, district, regional, State, or national organization whose purposes and activities are appropriate to and related to the school program.

(b.1) Private schools shall be permitted, if otherwise qualified, to be members of the Pennsylvania Interscholastic Athletic Association except that private schools located in cities of the second class which are members of the Pennsylvania Interscholastic Athletic Association shall, if they so elect, be assigned to a district or section outside of the geographical boundary of the second class city but contiguous thereto, and shall participate in Pennsylvania Interscholastic Athletic Association sponsored athletic contests in that section. The association shall not prohibit a private school from being a member solely on the grounds that the coach or a member of the coaching staff of any athletic team is not a teacher, or professional employe, either full-time or part-time, at such private school, except that this provision shall not apply to coaches or members of the coaching staff initially employed after January 1, 1965. ((b.1) amended Jul. 26, 1974, P.L.370, No.125)

(c) The board of school directors may (1) permit the use of school property, real or personal, for the purpose of conducting any activity related to the school program, or by any school or class organization, club, society, or group, (2) authorize any school employe or employes to manage, supervise and control the development and conduct of any of such activities, (3) employe or assign any school employe to serve in any capacity in connection with any of such activities.

(d) Notwithstanding the use of school property or personnel, it shall be lawful for any school or any class or any organization, club, society, or group thereof, to raise, expend, or hold funds, including balances carried over from year to year, in its own name and under its own management, under the supervision of the principal or other professional employe of the school district designated by the board. Such funds shall not be the funds of the school district but shall remain the property of the respective school, class, organization, club, society, or group. The treasurer or custodian of such funds shall furnish to the school district a proper bond, in such amount and with such surety or sureties as the board shall approve, conditioned upon the faithful performance of his duties as treasurer or custodian. The premium of such bond, if any, shall be paid from the fund or funds secured thereby or from the funds of the school district, at the discretion of the board. The treasurer or custodian shall be required to maintain an accounting system approved by the board, shall deposit the funds in a depository approved by the board, shall submit a financial statement to the board quarterly or oftener, at the direction of the board, and shall submit the accounts to be audited in like manner as the accounts of the school district.

(e) All purchases of materials or supplies made by any organization, club, society, or group, or by any school or class, in excess of three hundred dollars, shall be made upon solicitation of quotations or bids from three or more responsible manufacturers of or dealers in such materials or supplies. All such purchases shall be made from the lowest responsible bidder on the basis of price, quality and service.

(f) The board of school directors of any district is hereby authorized to appropriate any monies of the district for the payment of medical and hospital expenses incurred as a result of participation in such athletic events or games, practice or preparation therefor, or in transportation to or from such athletic events or games, or the practice or preparation therefor, and for the purchase of accident insurance in connection with such participation and transportation. ((f) added Apr. 22, 1949, P.L.726, No.178)

(511 amended Apr. 14, 1949, P.L.460, No.85)

Section 512. Advertising for Bids in Trade Journals.--(512 repealed Jul. 9, P.L. , No.160)

Section 513. Group Insurance Contracts.--(a) Any school district may make contracts of insurance with any insurance company, or nonprofit hospitalization corporation, or nonprofit medical service corporation, authorized to transact business within the Commonwealth, insuring its employes, their spouses and dependents and retired employes, or any class or classes thereof, under a policy or policies of group insurance covering life, health, hospitalization, medical service, or accident insurance, and may contract with any such company granting annuities or pensions, for the pensioning of such employes, and may contract with any such company insuring members of the school board under policies of travel and accident insurance while on the official business of the board, including travel to and returning from meetings of the board or committees thereof, and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts, and may appropriate out of its treasury any money necessary to pay such premiums or charges or portions thereof. No contract or

contracts of insurance authorized by this section shall be purchased from or through any person employed by the school district in a teaching or administrative capacity. ((a) amended Jul. 24, 1970, P.L.611, No.204)

(b) The board of school directors is hereby authorized to deduct from the employe's pay, salary, or compensation, such part of the premium as is payable by the employe and as may be so authorized by the employe in writing.

(c) All contracts procured hereunder shall conform and be subject to all the provisions of any existing or future laws concerning group insurance and group annuity contracts.

(d) Nothing contained in this section shall be construed to repeal any act of Assembly now providing for the granting of pensions or retirement remuneration to any of the employes of any school district.

Section 514. Removal of Officers, Employes, etc.--The board of school directors in any school district, except as herein otherwise provided, shall after due notice, giving the reasons therefor, and after hearing if demanded, have the right at any time to remove any of its officers, employes, or appointees for incompetency, intemperance, neglect of duty, violation of any of the school laws of this Commonwealth, or other improper conduct.

On the removal by the board of school directors of any officer, employe, or appointee, such officer, employe, or appointee shall surrender and deliver to the secretary, or other person designated by the board, any and all papers, property, and effects of the school district in his hands at the time of such removal.

Section 515. Rights and Powers Preserved.--In every school district the board of school directors shall continue to have and possess, all the powers, rights, and privileges, not inconsistent with this act, which boards of school directors, boards of school controllers, or boards of public education, in its respective district, lawfully had on the eighteenth day of May, one thousand nine hundred eleven.

Section 516. State Convention or Association; Delegates; Expenses; Membership.--The board of school directors or the board of public education of any school district may appoint one or more of its members, its non-member secretary, if any, and its solicitor, if any, as delegates to any State convention or association of school directors, held within the Commonwealth. It shall be the duty of such delegates to attend the meetings of such convention or association, and each delegate so attending shall be reimbursed for travel, travel insurance, lodging, meals, registration fees and other incidental expenses necessarily incurred. Any such board may become a member of the Pennsylvania School Boards Association, Inc., and may pay, out of the school funds of the district, any membership dues which may be assessed by the association at any State convention of school directors to defray the necessary expenses of maintaining the association and of holding the convention. Such expenses shall be paid by the treasurer of the school district, in the usual manner, out of the school funds of the district, upon the presentation of an itemized, verified statement of such expenses.

(516 amended Aug. 13, 1963, P.L.768, No.385)

Section 516.1. Expenses for Attendance at Meetings of Educational or Financial Advantage to District.--When, in the opinion of the board of school directors or of the board of

public education, attendance of one or more of its members and of its non-member secretary, if any, and of its solicitor, if any, at any meeting held within the Commonwealth (other than annual State conventions of school directors) or the attendance of one or more of its members and of its non-member secretary, if any, and of its solicitor, if any, at the annual convention of the National School Boards Association or any other educational convention, will be of educational or financial advantage to the district, it may authorize the attendance of any of such persons at such meeting within the Commonwealth and at the annual convention of the National School Boards Association or any other educational convention, wherever held, not exceeding two meetings in any one school year in addition to annual or special conventions of the intermediate unit. Each person so authorized to attend and attending shall be reimbursed for all expenses actually and necessarily incurred in going to, attending and returning from the place of such meeting, including travel, travel insurance, lodging, meals, registration fees and other incidental expenses necessarily incurred, but not exceeding thirty dollars ($30) per day for lodging and meals. Actual travel expenses shall be allowed with mileage for travel by car at the rate of twelve cents ($.12) for each mile in going to and returning from each meeting. Such expenses shall be paid by the treasurer of the school district in the usual manner out of the funds of the district, upon presentation of an itemized verified statement of such expenses: Provided, That advanced payments may be made by the proper officers of the district upon presentation of estimated expenses to be incurred, to be followed by a final itemized, verified statement of such expenses actually incurred upon return from such conventions, and a refund be made to the district of such funds remaining or an additional payment be made to meet the verified expenses actually incurred.

Each member of an intermediate unit board of directors shall be reimbursed by the intermediate unit and each member of a school district board of directors shall be reimbursed by the school district for mileage at twelve cents ($.12) per mile and for all expenses actually and necessarily incurred in attending meetings, conventions and other functions of and on behalf of the intermediate unit or the school district provided that reimbursement for attendance at meetings called by the intermediate unit board of directors shall not exceed an average of four (4) per month per annum and provided that reimbursement for attendance at meetings called by the district board of directors shall not exceed an average of four (4) per month per annum.

(516.1 amended Dec. 6, 1972, P.L.1407, No.302 and Dec. 6, 1972, P.L.1426, No.312)

Section 517. Attendance of Superintendents, etc., at Educational Conferences, and of Pupils at State Farm Show, etc.; Expenses.--The board of school directors of each district may authorize the attendance of the superintendent and such other members of the teaching and supervisory staff of such districts as they may specify, at any educational conference or conferences, when in the opinion of the board, such attendance will be conducive to the best interests of the district. Each person so authorized to attend and attending shall be reimbursed for all necessary traveling and hotel expenses actually incurred. The board of school directors may also authorize the

transportation of pupils to the State Farm Show and to other exhibitions and places of interest, when their attendance at the same is deemed of educational value to such pupils, and may pay the expenses of such pupils, in whole or in part, from the funds of the district. Such expenses shall be paid by the treasurer of the school district, in the usual manner, out of the school funds of the district, upon the presentation of an itemized, verified statement of such expenses.

The board of school directors of each district may reimburse any principal, supervising principal, school nurse, teacher or other employe for necessary traveling expenses incurred in the furthering of the educational program of the school district: Provided, That prior authorization to incur said expenses shall have been previously given by the board of school directors: Provided further, That advanced payments may be made by the proper officers of the district upon presentation of estimated expenses to be incurred, to be followed by a final itemized, verified statement of such expenses actually incurred upon return from such conventions, and a refund be made to the district of such funds remaining or an additional payment be made to meet the verified expenses actually incurred.

(517 amended Sep. 2, 1961, P.L.1202, No.529)

Section 518. Retention of Records.--Every board of school directors shall retain as a permanent record of the district, the minute book, each annual auditor's report, and each annual financial report. All other financial records of the district, including financial account books, orders, bills, contracts, invoices, receipts, and purchase orders shall be retained by the district for a period of not less than six years.

Section 519. Copies of School Laws.--The Superintendent of Public Instruction shall send to each member of every board of school directors in the State, a bound copy of each new edition of the School Laws, as soon as possible after the same shall have been published.

Section 520. Temporary Emergency War Provisions.--(a) Whenever, during the continuance of any war in which this Nation is or may become engaged, it shall be found as a fact by the board of school directors of any school district and so recorded on the minutes of a regular or special meeting of such board and certified to the Department of Public Instruction, that the normal operation of the schools, as required by this act, in respect to any of the matters hereinafter set forth, shall interfere with the prosecution of such war, such board of school directors shall have power to put into operation in such school district any one or more temporary emergency war provisions authorized by this act, but in no event longer than for a period of one year after the cessation of the hostilities of such war.

((a) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(b) Subject to the foregoing provisions, any board of school directors may--

(1) Keep the schools of the district in session such days and number of days per week as they shall deem necessary or desirable, but the provisions of this act requiring a minimum of one hundred eighty (180) session days as a school year shall not be affected thereby;

(2) Extend the length of the school days in such manner as to make it possible to complete and to accredit a calendar day as a full school day and a fractional portion of an additional school day;

(3) Suspend temporarily the regular session of any class or classes, or close temporarily any school or all the schools of the district as an emergency war measure, or when the Governor by proclamation so directs. The days on which the regular sessions of classes or schools are so suspended or closed shall be recorded and credited as if they were days taught: Provided, That in no instance shall the session so suspended or closed exceed thirty school days during any school term for any pupil except by special wartime emergency proclamation by the Governor;

(4) Adjust the assignment and reassignment of teachers in such fields, subjects, schedules and semesters or other periods of work and in such schools as their preparation, experience and certification may qualify them. No such temporary emergency assignment or reassignment shall reduce the annual compensation any teacher receives at the time of such assignment or reassignment, nor shall the emergency assignment, reassignment or the return to the original type of assignment when the emergency has ended be deemed to be a demotion under the tenure provisions of this act;

(5) Grant farm and conservation employment permits to pupils who have attained the age of fourteen years and have completed the sixth grade or equivalent thereof, and to enable group participation by pupils regularly enrolled in schools in seasonal farm and conservation activities. The word "conservation" as used in this clause shall mean the conserving, preserving, guarding or protecting of crops, forests and rivers;

(6) Accept the certification of the family physician of any child as satisfactory proof of suitable physical condition for the issuance of any farm or conservation permit granted during the period of emergency;

(7) Make such arrangements for extending the use of school buses or other school transportation facilities as may seem desirable for the transportation of teachers, as well as pupils, or for otherwise furthering the war and civilian defense effort;

(8) Provide, in lieu of pupil transportation required by law, tuition to a school in another district, when educational facilities can thus be made available, without requiring such pupils to walk more than two miles to the school to which the pupil has been assigned. The above provisions shall also apply in any case where the Department of Public Instruction determines that a revision of existing transportation practices will result in the more economical use of school facilities and the conservation of transportation equipment;

(9) Obtain the full State subsidy provided for fully and regularly certified teachers when, at the request of the responsible school district, the Superintendent of Public Instruction has issued to a teacher temporarily employed, a special emergency wartime certificate to teach in the subject or field for which wartime emergency conditions make it necessary to employ such teacher. ((9) amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 520.1. Temporary Emergency Provisions.--(a) Whenever an emergency shall arise which the board of school directors of any school district in the performance of its duties could not anticipate or foresee, and which emergency shall result in any such school district being unable to provide for the attendance of all pupils during the prescribed length of school days, number of days per week, or usual hours of classes, it shall be

found as a fact by the school directors of any school district and so recorded on the minutes of a regular or special meeting of such board and certified to the Superintendent of Public Instruction, and such board of school directors, subject to the approval of the Superintendent of Public Instruction, shall have power to put into operation in such school district any one or more of the temporary provisions hereinafter provided for, but in no event shall such temporary provisions remain in effect for a period of more than four years after they are first put into effect.

(b) Subject to the foregoing provisions, any board of school directors may:

(1) Keep the schools of the district in session such days and number of days per week as they shall deem necessary or desirable, but the provisions of this act requiring a minimum of one hundred eighty (180) session days as a school year shall not be affected thereby.

(2) Reduce the length of time of daily instruction for various courses and classes.

(c) Any school district, by invoking the powers herein granted, shall not thereby forfeit its right to reimbursement by the Commonwealth or other State-aid as otherwise provided for by this act.

(520.1 added Jan. 14, 1952 (1951), P.L.1940, No.541)

Section 521. Joint Action with Other Political Subdivisions.--Each board of school directors shall have power to enter into agreements with other political subdivisions, in accordance with existing laws, in making joint purchases of materials, supplies, or equipment, and in performing governmental powers, duties, and functions, and in carrying into effect provisions of law relating to said subjects, which are common to all such political subdivisions.

Section 522. Payments of Salaries of Professional Employes Granted Leaves of Absence as Exchange Teachers Authorized; Rights Preserved.--Any board of public education or board of school directors of any school district or vocational school district of this Commonwealth is hereby authorized to pay any professional employe the salary he would be entitled to if teaching in the school district from which he is granted a leave of absence to serve as an exchange teacher in any foreign country or territory or possession of the United States of America.

Any professional employe, while on leave as an exchange teacher, shall be considered to be in regular full-time daily attendance in the position from which the leave was granted, during the period of said leave, for the purpose of determining the employe's length of service, the right to receive increments as provided by law, and the right to make contributions as a member of the School Employes' Retirement Fund and continue his or her membership therein, the right to service credits toward the time necessary for a sabbatical leave, and the right to accumulate days of leave on account of illness or accidental injury.

(522 amended Jul. 29, 1965, P.L.255, No.147)

Section 522.1. Payments of Contributions to the School Employes' Retirement Fund on Account of School Employes on Approved Leaves of Absence for Professional Study Authorized; Service Credits.--Any school employe who has been granted a leave of absence, approved by the board of school directors, for

professional study shall be considered to be in regular full-time daily attendance in the position from which the leave was granted during the period of said leave for the purpose of determining the employes length of service and right to make contributions as a member of the School Employes' Retirement Fund and continue his or her membership therein: Provided, That if the employe does not return to the employment of the school district for a period of at least one year the contributions made by and on behalf of the employe during the period of the leave of absence shall be refunded.

(522.1 amended Jul. 29, 1965, P.L.255, No.147)

Section 523. Educational Broadcasting.--

(a) The State Board of Education shall adopt and amend, when necessary, a State Plan for Educational Broadcasting. The State plan shall provide for the development of educational broadcasting facilities in the Commonwealth and shall define educational broadcasting service areas which shall be served by specified broadcasting centers. The Department of Education shall promulgate regulations to implement the State plan. Prior to adoption or amendment of the State plan, the board shall submit the plan to the Pennsylvania Public Television Network Commission and receive its comments thereon. ((a) amended Nov. 2, 1973, P.L.321, No.103)

(b) The board of school directors of any school district may enter into an agreement or agreements with one or more school districts and/or intermediate units and/or with other educational institutions or agencies and/or with non-profit organizations for the joint operation of an educational television and/or radio station. In the case where the members of the board of school directors and/or intermediate unit board of directors are members of any non-profit community corporation holding a valid Federal Communications Commission broadcasting license for a television and/or radio station, these non-profit community corporations which are a part of the State Plan for Educational Broadcasting, may enter into contracts with the State Public School Building Authority for the purpose of constructing, improving, maintaining, operating, furnishing and equipping these educational broadcasting facilities as a part of the public school system of the Commonwealth of Pennsylvania.

(c) The board of school directors of any school district and any intermediate unit board of directors may enter into an agreement or agreements with one or more school districts and/or intermediate unit boards of directors and/or other educational institutions or agencies and/or non-profit or commercial organizations for broadcasting.

(d) The Department of Public Instruction may enter into agreements with educational or commercial radio and/or television networks or stations, non-profit organizations radio and/or television production centers, or any intermediate units, school district or districts for the purpose of educational broadcasting.

(e) The Department of Public Instruction and boards of school directors of any school district or intermediate units, or both, may contract for educational broadcasts for children or adults, using State funds or State-administered Federal funds appropriated for that purpose, or private grants or gifts.

(f) In accordance with the State plan for educational broadcasting, the Department of Public Instruction may establish and/or operate a broadcasting station and/or purchase, produce

and/or contract to purchase or produce tapes, films and/or recordings for educational broadcasting. ((f) added Sep. 12, 1961, 1272, No.558)

(523 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 524. The board of school directors of any school district, including merged or union districts, and any boards of school directors establishing any joint school or department, shall not close any school or department during the school term, unless such action shall advance the orderly development of attendance areas within an approved administrative unit and has been approved by the Department of Public Instruction. In the event a school board shall determine prior to the beginning of the next school term to close any school or department, sixty (60) days' notice, in writing, prior to the closing of any school or department, shall be given to all temporary professional and professional employes affected thereby, unless such action shall advance the orderly development of attendance areas within an approved administrative unit and has been approved by the Department of Public Instruction. Upon failure to give written notice of intention to close any school or department, the school district shall pay such employes their salaries until the end of the school year during which such schools or departments were closed. (Par. amended Jan, 14, 1970 (1969), P.L.468, No.192)

Temporary professional or professional employes, whose positions are abolished as a result of the action of the board of school directors in closing a school or department, or reassigning pupils in its effort to consummate partially or wholly the orderly development of approved administrative and attendance areas, may not be suspended until the end of the school year if such action is taken during the school year or later than sixty (60) days prior to the opening of the next school term.

The payment of salary to any temporary professional or professional employe shall be discontinued immediately, if such employe obtains other employment which, in the judgment of the board of school directors, could not have been obtained or held if such school or department had not been closed: Provided, however, That if the salary in the new position is less than the salary the professional employe would have received had he remained in the employment of the school district, the school district shall be liable for the difference.

(524 amended Oct. 21, 1965, P.L.601, No.312)

Section 525. Establishment and Operation of Educational Television and Broadcasting Facilities.--Whenever funds become available from any source whatever for the purpose of (1) establishing and where necessary operating such pilot educational television projects, (2) purchasing, producing and contracting for the purchase or production of tapes, films and recordings for educational broadcasting, (3) making special grants to school districts, county boards of school directors and State colleges for educational broadcasting services procured by them where it is determined by the Department of Public Instruction that the awarding of such special grants will materially encourage the use of educational television facilities, (4) establishing educational television facilities in accordance with the State plan for educational broadcasting, and (5) establishing network facilities to link educational broadcasting facilities as may be required by the State plan for

educational broadcasting or any of these purposes, the Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public Instruction in accordance with policies approved by the State Board of Education. This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

(525 amended Oct. 21, 1965, P.L.601, No.312)

Section 526. Funds for Traffic Control Devices.--The board of directors of any school district acting alone or with another district or districts, may contribute funds to another political subdivision for the erection and maintenance of stop and go signal lights, blinkers or other like traffic control devices.

(526 added Dec. 1, 1965, P.L.1002, No.369)

ARTICLE VI.
SCHOOL FINANCES.

(a) General Provisions.

Section 601. Information to Incoming Directors for Tax Levy and Budget.--The board of school directors of every school district shall annually, through its proper officers, furnish to the incoming board of school directors all necessary information and such detailed statements as may be needed by it to provide for the annual tax levy and to prepare the annual estimate of expenditures.

Section 602. Tax Levies.--All taxes required by any school district, in addition to the State appropriation, shall be levied by the board of school directors therein.

Section 603. Only One Annual Tax Levy.--There shall be but one levy of school taxes made in each school district in each year, which shall be assessed, levied, and collected for all the purposes provided in this act, and shall be uniform throughout the territorial limit of each school district, except that those school taxes which school districts are empowered to levy under the authority of the act of June 25, 1947 (P.L.1145), as amended, may be levied at any time during the period authorized for the assessment and levy of any school taxes: Provided, That (1) where two or more school districts have voted to become a union school district in accordance with the provisions of this act and prior to the actual creation of the union school district, the school board members by a majority vote of all the members comprising said school boards shall assess and levy a uniform school tax in all of the districts comprising said union school district for general revenue purposes necessary to operate said union school district commencing the first day of July following the vote establishing said union district, and (2) whenever hereafter a school district of the second, third, or fourth class shall be annexed to and merged in, and become a part of a school district of the first class, the board of public education of said school district of the first class shall have power to levy a special school tax on the territory which comprised said annexed and merged school district to provide for the expense and maintenance of the schools thereof from the end of the school year of said annexed and merged school district to the beginning of the next school year in said school district of the first class, and to provide for and pay the floating indebtedness of said annexed and merged school district. Said levy shall not exceed one-half of the last

previous total annual millage levied by said school district of the first class.

(603 amended Sep. 1, 1965, P.L.433, No.218)

Section 604. Property Acquired by State for Water Conservation or Flood Prevention.--Whenever the Commonwealth of Pennsylvania shall, for the purpose of conservation of water or to prevent flood conditions, acquire any lands and property within the limits of any school districts, and shall, by such acquisition, reduce the amount of property within the district taxable for school purposes, the board of school directors shall immediately after such acquisition certify to the Auditor General and to the Superintendent of Public Instruction the assessed valuation of such lands and property at the time of such acquisition.

After any such acquisition the board of directors shall from year to year, at the time of its annual levy of taxes for school purposes, certify to the Auditor General and Superintendent of Public Instruction the rate of its levy for the next school year. Thereupon, the Superintendent of Public Instruction shall ascertain the amount of taxes which would have been collected upon the assessed valuation, certified as hereinbefore provided, at the rate of the levy so certified. Upon the ascertainment of such amount, the same shall be paid by the Commonwealth from time to time from the general fund.

Section 605. Affidavit of Uncollectability of Taxes on Real Property.--Each certificate which any collector of school taxes makes of delinquent school taxes, levied upon real estate upon which there is no personal property from which the same can be collected, shall be accompanied by the affidavit of the tax collector that, after the proper efforts, he could not find sufficient personal property out of which the taxes or any part thereof could be made or collected as provided by law. Such affidavit shall be conclusive as to that fact in so far as it may affect the lien of said taxes or the title of a purchaser at a sheriff's sale thereunder. In the event any such collector shall make any wilfully false return he shall be liable therefor to any person or persons injured thereby.

Section 606. Collection of Taxes Where New District Created.--In case a new school district is created after taxes have been assessed and levied in the district out of which it is partly or wholly created, but before the beginning of the school year therein, then, in such cases, all the taxes assessed and levied in said year by the board of school directors, on the property or residents within the limits of the new school district, shall be collected by the tax collector of the district out of which the new district was created, and all such taxes collected on property or from residents within the limits of a new school district shall be paid over by him to the treasurer of such new school district.

Section 607. Payments; How Made; Limitations.--All payments made by the board of school directors of any school district from the school funds shall be made by proper school orders drawn on the treasurer. No school order shall be authorized by the board, or signed by the president or secretary of any board of school directors, unless there are sufficient funds in the treasury of the district to pay the same, and no school order shall be made payable at any time in the future, or draw interest. A separate school order shall be drawn for each account or payment: Provided, That the monthly payroll of

teachers, janitors, or other employes may be included on one or more orders, which may be made payable to the order of such person or persons, and distributed in such manner as the board of school directors in any school district may determine.

In all school districts of the first class, each school order shall state on its face the particular item of the annual school estimate upon which it is drawn.

In all school districts of the second, third, and fourth class, each school order shall state on its face the particular class of expenditure of the annual school budget upon which the same is drawn.

Section 608. Liability for Improper School Orders.--Any school director voting for, or any officer approving, a school order for the payment of school funds for any other purpose, or drawn in any other manner, than that provided in this act, shall, together with the surety or sureties on his bond, in addition to the penalty herein provided, be individually liable to the district for the amount thereof: Provided, That on appeal from an auditor's report, it shall be within the discretion of the court having jurisdiction of the matter to sustain or not to sustain a surcharge, where it appears that the appellant or appellants acted honestly and in good faith for the best interests of the school district and where no loss or damage to the school district resulted from the action of such appellant or appellants.

Section 609. Budgeted Funds not to be Used for Other Purposes or Exceeded.--The amount of funds in any annual estimate by any school district, at or before the time of levying the school taxes, which is set apart or appropriated to any particular item of expenditure, shall not be used for any other purpose, or transferred, except by resolution of the board of school directors receiving the affirmative vote of two-thirds of the members thereof.

No work shall be hired to be done, no materials purchased, and no contracts made by any board of school directors which will cause the sums appropriated to specific purposes in the budget to be exceeded.

Whenever Federal or State funds are made available to school districts, such funds may be expended by the board of school directors for the purposes for which they are made available even though provisions therefor were not made in the annual estimates or budget of such school district. Whenever the General Assembly shall enact a law providing for the levy of taxes within a school district, the revenues from the taxes so levied may be expended by the board of school directors for general school purposes even though provisions therefor were not made in the annual estimates or budget of such school district for the fiscal year within which such law was enacted.

(609 amended Aug. 13, 1963, P.L.770, No.386)

Section 610. Use of School Funds; Illegal Use.--The board of school directors in every school district shall have the right to use and pay out, in the manner herein provided, any funds of the district for any and all of the purposes therein provided, subject to all the provisions of this act. The use or payment of any public school funds of any school district, in any manner or for any purpose not provided in this act, shall be illegal.

Section 611. Enforcement of Judgments Against School Districts.--If any judgment is obtained against any school district and the same is not paid as required, the same may be

collected as follows and not otherwise:--

The plaintiff in any such judgment shall petition the court of common pleas in which such judgment was obtained, or in which any transcript of a judgment obtained against any school district before any magistrate, alderman, or justice of the peace, is filed, whereupon the court shall issue a writ in the nature of a mandamus execution, directed to the directors and treasurers of the school district against which such judgment was obtained, commanding them to pay the amount of such judgment, together with interest and costs, out of any unappropriated funds of such school district, and in case there are no unappropriated funds of such school district, then out of the first funds that shall be received by said school district. The court may enforce obedience to such writ by attachment on proper cause being shown.

Section 612. Counsel Fees on Appeals from County Auditors' Reports.--When an appeal is taken from the county auditors' report or settlement of the account of any public officer, in accordance with the laws relating thereto, and such appeal results favorably to the appellants in such a manner that money is recovered for any school district, the court hearing such appeal shall make an order to pay a counsel fee which it deems just and reasonable to the counsel representing such appeal, out of the funds so recovered.

(b) School Depositories.

Section 621. Designation of Depositories; Bond.--The board of school directors in any school district shall designate one or more banks or bank and trust companies as a depository or depositories for its school funds. No such depository shall be named unless it receives a majority of the votes of the entire school board elected or appointed in such district. Each such depository before receiving any of the school funds shall, except as hereinafter otherwise provided, furnish a proper bond, in such amount and with such surety or sureties as may be required, to be approved by the board of school directors, and conditioned upon the faithful keeping, paying out, and accounting for all of the school funds and property of said school district that may come into its hands, as well as for the payment of all interest on money deposited in such depository in accordance with any contract made by it with said school district.

Section 622. Collateral in Lieu of Bond.--(a) In lieu of one or more surety bonds, the deposit of school funds may be secured by the deposit with the board of school directors, or with any bank or trust company, other than the designated depository, within the Commonwealth which may be agreed upon, of bonds or other interest-bearing obligations of the United States, of the Commonwealth of Pennsylvania, or of any state of the United States, of the General State Authority, and other authorities created by the General Assembly of the Commonwealth of Pennsylvania for the payment of which the faith and credit of the authority is pledged, and the obligations of any municipality authority, if such obligations of the municipality authority are authorized investments for a fiduciary, pursuant to the act of May 26, 1949 (P.L.1828), known as the "Fiduciaries Investment Act of 1949," and its amendments, or other bonds to be approved by the board: Provided, That in school districts of the second, third, and fourth classes, such securities shall be only bonds or other interest-bearing obligations of the United

States, of this Commonwealth, of any state of the United States, or bonds of any county, city, borough, incorporated town, township, school district, or other political subdivision of this Commonwealth, or of any other state of the United States, or of the General State Authority, and other authorities created by the General Assembly of the Commonwealth of Pennsylvania for the payment of which the faith and credit of the authority is pledged, and the obligations of any municipality authority, if such obligations of the municipality authority are authorized investments for a fiduciary, pursuant to the act of May 26, 1949 (P.L.1828), known as the "Fiduciaries Investment Act of 1949," and its amendments, which has not at any time within the five years immediately preceding the date of the deposit of such bonds by the depository failed punctually to pay the matured principal and interest on all of its indebtedness. ((a) amended Jul. 5, 1957, P.L.508, No.286)

(b) When collateral security is thus deposited in lieu of one or more surety bonds, the total amount of such bonds and obligations thus deposited, measured by their actual market value, less the total indebtedness of the school district to the depository and any amount that is insured under the provisions of section 623, shall be equal to the amount of the deposits secured and twenty per centum in addition. All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in value, shall be maintained, on request in writing of the board of school directors, at the amount provided herein. ((b) amended Jun. 15, 1968, P.L.438, No.216)

Section 623. Insurance of Deposits of Funds.--All moneys belonging to any school district or held by any school district for any purpose, and deposited with any banking institution in this Commonwealth, may be insured with the Federal Deposit Insurance Corporation, or any other corporation hereafter organized by the United States for the purpose of insuring deposits, up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name. When so insured, the school district shall not require such banking institution to furnish additional bond, insurance or security to cover the amount of such deposits so insured.

Section 624. Monthly Reports by Depositories.--Every bank or trust company designated as a depository for school funds in any school district shall, at the end of every month, make a report to the school treasurer, to the board of school directors, and to the school controller, if any, stating the amount of school funds deposited with it during the month, together with the balance on hand at the beginning of the month, as well as the amount of school funds disbursed by it during the month, any accrued interest paid, or due, and the balance remaining on hand at the time of making the report.

Section 625. Deposit of School Funds; Treasurer Relieved of Liability; School Orders.--The funds of the school district shall be deposited, as directed by the board of school directors, in a designated depository, by the school treasurer, in the name of the school district. After any funds have been deposited with such regularly designated depository by any school treasurer, he shall thereafter be relieved from all liability therefor, and all school orders drawn on the school treasurer for any funds so deposited by him shall be endorsed by said treasurer and made "Payable at.....

.....depository of the School District of....."

(625 amended Jun. 28, 1963, P.L.182, No.109)

(c) Indebtedness.

Section 631. Power to Incur Debt; Limitations.--The board of school directors in any school district may, in any year, create and incur an indebtedness against such school district and issue bonds to secure the same, payable as provided by the act of July 12, 1972 (Act No.185), known as the "Local Government Unit Debt Act," or any amendment or re-enactment thereof, for any or all of the following purposes:

(1) To purchase or acquire proper sites, buildings or grounds for school use, or any lands additional to any existing school sites or grounds;

(2) To erect, enlarge, equip or furnish any building for school use;

(3) To repair, remodel or rebuild any building of the school district;

(3.1) To lease for an extended period building facilities or portions of buildings constructed for school use and/or existing building facilities or portions of existing building facilities altered for school use;

(4) To purchase school buses;

(5) To pay any indebtedness incurred by any municipality for or on account of the school district or for school purposes, and required by this act to be assumed by the school district;

(6) To pay any refund of taxes decreed by an order of court;

(7) To refund certain bonds, as hereinafter provided;

(8) To fund floating indebtedness incurred for current expenses and debt service;

(9) To fund temporary indebtedness incurred for permanent improvements, or in anticipation of proceeds from a bond issue;

(10) To purchase or acquire buildings for school use.

The indebtedness of any school district shall never exceed fifteen (15) per centum of the last assessed valuation of property taxable for school purposes therein.

(631 amended Dec. 6, 1972, P.L.1445, No.323)

Section 632. Assent of Electors; When Necessary and When Not Necessary.--The assent of the electors shall be required in all school districts of the second, third and fourth class, to issue bonds which will incur any new debt or increase the indebtedness to an amount in excess of five (5) per centum of the assessed valuation of property taxable for school purposes therein. The assent of the electors shall be required in school districts of the first class and first class A to issue bonds which will incur any new debt or increase the indebtedness to an amount in excess of five (5) per centum of the assessed valuation of property taxable for school purposes therein. The board of school directors of any school district of the first, first class A, second, third, or fourth class shall have authority, without the assent of the electors, to issue bonds which will incur upon its own authority any amount of such indebtedness not in excess of five (5) per centum of the last assessed valuation of property taxable for school purposes therein.

If the amount of bonds of any bond issue maturing in any single year is in excess of five percent of the total amount of such bond issue, the amount in excess of five percent of such bond issue may be refunded by the board of school directors of any school district, upon its own authority, without submitting

any such refunding bond issue to a vote of the electors.

Any school district which calls bonds for payment prior to the date of maturity may issue bonds for the purpose of paying any or all such bonds as may be called for payment. All bonds issued for the purpose of refunding bonds shall be issued as hereinbefore provided for the issuing of such bonds.

(632 reenacted and amended Mar. 16, 1967, P.L.9, No.3)

Section 633. Reports to Secretary of Education; Withholding State Appropriations.--It shall be the duty of the Secretary of Education, to require, as part of the annual financial reports of all of the school districts, a list of the amount of bonds or other indebtedness that becomes due during the fiscal year, together with the amount paid on each item of indebtedness. In case of failure on the part of any school district to furnish such report at the required time after the close of the fiscal year, the Secretary of Education may withhold any State appropriation that may become due to any such school district until such report covering information regarding the maturities of indebtedness and payments on same during the preceding fiscal year, as required herein, and any other information which he may require of a school district, has been received. In all cases where the board of directors of any school district fails to pay or to provide for the payment of any indebtedness at date of maturity or date of mandatory redemption, or any interest due on such indebtedness on any interest payment date, in accordance with the schedule under which the bonds were issued, the Secretary of Education shall notify such board of school directors of its obligation and shall withhold out of any State appropriation due such school district an amount equal to the sum of the principal amount maturing or subject to mandatory redemption and interest owing by such school district, and shall pay over the amount so withheld to the bank or other person acting as sinking fund depositary for such bond issue.

(633 amended Dec. 19, 1975, P.L.511, No.150)

Section 634. Temporary Debt.--Any school district having no indebtedness, or whose indebtedness, incurred or created without the assent of the electors thereof, is less than five (5) per centum of the total valuation of property taxable for school purposes therein, may, at any time, for the purpose of providing funds in any fiscal year for current expenses and debt service, for permanent improvements, the acquiring of school buses, or in anticipation of proceeds from a bond issue already officially authorized and (except in school districts of the first class) approved by the Department of Community Affairs, with such limitations and for such length of term as hereinafter provided, by or through its board of school directors, incur, in addition to any bonds therein authorized, a temporary debt, or borrow money, and issue an obligation or obligations therefor, under the seal of the district, if any, properly executed by the president and attested by the secretary thereof, and bearing interest not exceeding the legal rate, but no such obligation shall be sold for less than par. The incurring of any such temporary debt, or borrowing money upon such obligation, shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein.

In addition thereto, any school district may, as hereinbefore provided, incur a temporary debt or borrow money for permanent improvements, where no bond issue has been previously officially authorized, and refund such temporary indebtedness by the issue

of bonds, in the manner provided by law, when the exact amount required for such permanent improvement becomes known.

(634 amended Mar. 16, 1967, P.L.9, No.3)

Section 635. Limit on Temporary Debt for Current Expenses and Debt Service.--The total amount of temporary indebtedness incurred for current expenses and debt service shall, at no time, exceed an amount equal to the State appropriations not received but payable during the fiscal year, and the tax levied upon property taxable for school purposes within such school district, and remaining uncollected and unpledged for the current fiscal year. All such loans shall be paid out of the receipts available, or pledged for the repayment thereof when and as the funds are received. The total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget, and be included therein.

(635 amended Sep. 28, 1951, P.L.155, No.395)

Section 636. Emergency Loans for Current Expenses and Debt Service.--(a) In case of an emergency, any school district in any fiscal year, after borrowing money in anticipation of current revenues to the full extent permitted by the provisions of section six hundred forty (640) of this act, and finding the receipts from said loans, together with all other receipts, to be inadequate to meet the expenditures of the official fiscal year's budget, may appeal to the State Superintendent of Public Instruction for permission to incur a temporary debt for the purpose of providing funds for current expenses and debt service and shall present to the State Superintendent of Public Instruction, or his agent, such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness. The State Superintendent of Public Instruction is hereby authorized, after due examination of the need of such school district, either to refuse or grant permission to such school district to borrow additional funds for current expenses and debt service beyond the amount permitted by the provisions of section six hundred forty (640) of this act. In case of approval, he shall designate the maximum length of the term and shall set a maximum limit of the total amount of such temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness for other purposes outstanding at the time of such approval.

(b) All temporary indebtedness, for the purpose of current expenses and debt service in school districts of the first class, shall not exceed four tenths of one per centum (4/10%), and in school districts of the second class, shall not exceed three fourths of one per centum (3/4%), and in school districts of the third and fourth class, shall not exceed one (1) per centum of the total amount of property taxable for school purposes in such district, and the total indebtedness for such purposes, together with all other indebtedness incurred without authorization by vote of the electors of the district shall, at no time, exceed five (5) per centum of the last total assessed valuation of the property taxable for school purposes therein.

((b) amended Mar. 16, 1967, P.L.9, No.3)

Section 637. Limit on Temporary Debt for Permanent Improvements, etc.; Tax Levy.--The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements and the acquiring of school buses except

obligations incurred under the provisions of section six hundred forty of this act, shall never exceed five (5) per centum of the last assessed valuation of property taxable for school purposes therein. Except where such temporary indebtedness is to be refunded by the issue of bonds, as hereinbefore authorized, at or before the time of incurring such indebtedness for such purpose, provision shall be made for the collection of an annual tax, sufficient to pay the interest and also the principal thereof within the term of such indebtedness, as provided by law.

(637 amended Mar. 16, 1967, P.L.9, No.3)

Section 638. Temporary Debt for Permanent Improvements, etc.; Payment.--(638 repealed Sep. 8, 1959, P.L.802, No.299)

Section 639. Limit on Temporary Debt in Anticipation of Proceeds of Bond Issue; Payment.--The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs, as hereinbefore provided, shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue.

All obligations, other than bonds, issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs, shall be paid in full, together with interest, out of the proceeds of such bond issue within one year and six months from the date of authorization of such bond issue.

Section 640. Borrowing in Anticipation of Current Revenue.--School districts may borrow money in anticipation of current revenues, to an amount not exceeding such anticipated current revenues, which shall be pledged for the payment of such loan or loans, and issue notes or other form of obligation, executed by the president of the board of school directors and attested by the secretary of the board under the seal of the school district, securing such loans. Such notes, or other form of obligation, shall mature and be payable during the current fiscal year in which such money is borrowed. No such borrowing shall constitute an increase of indebtedness within the meaning of Article nine, section eight of the Constitution of Pennsylvania, or of the "Municipal Borrowing Law" of June twenty-fifth, one thousand nine hundred forty-one (Pamphlet Laws 159), or of any of the provisions of this act, and shall not require the approval of the Department of Internal Affairs. Such notes shall bear interest at a rate not exceeding six (6) per centum per annum, payable at maturity or in advance, and may be sold at either public or private sale for not less than par. If such loans are not repaid in whole or in part during the fiscal year in which they are made, they, or such amounts as remain unpaid, shall become an obligation upon the following year's budget and shall be included therein and paid not later than the first day of July of such following year, in school districts of the first class, and not later than the first day of November of such following year, in school districts of the second, third, and fourth class. The incurring of such obligations shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors.

(640 repealed in part Jul. 12, 1972, P.L.781, No.185)

(d) First Class School District.

Section 651. Fiscal Year.--In all school districts of the first class and first class A, the fiscal year shall begin on

the first day of January in each year: Provided, That the Board of Public Education of any district of the first class or first class A may, by resolution adopted by two-thirds vote of the members thereof at a meeting of the board after not less than ten days' notice of the fact that such resolution would be presented for action at such meeting, fix the fiscal year of such school district so as to begin on the first day of July in each year instead of on the first day of January as hereinabove provided.

(651 amended Dec. 22, 1965, P.L.1159, No.453)

Section 652. Tax Levy; Purposes; Limitations.--In all school districts of the first class the school taxes for the following fiscal year shall be levied annually, by the board of public education thereof, on or after the second Monday of November and before the first Monday of December following. In all school districts of the first class A the school taxes for the following fiscal year shall be levied annually by the board of public education on or after the first Monday of December and before the end of the current fiscal year. The board of public education thereof shall annually levy a tax on each dollar of the total assessments of all property assessed and certified for taxation in said district, which tax shall be ascertained, determined, and fixed by adding together the following:

(1) An amount which, with all moneys received from the Commonwealth applicable thereto, shall be sufficient to pay the minimum salaries and increments of the teaching and supervisory staff thereof as fixed and provided by law and to pay the contributions of said district to the teachers' retirement system. For the purpose of computing the amount required to pay the minimum salaries and increments fixed by law, but without otherwise limiting the rights of the district to employ teachers or other employes, (i) The number of teachers on the salary schedule of the elementary schools shall not exceed one for every thirty pupils in average daily membership in such schools, (ii) The number of teachers on the salary schedule of the junior high schools shall not exceed one for every twenty-two pupils in average daily membership in such schools, (iii) The number of teachers on the salary schedule of the senior high schools shall not exceed one for every twenty-two pupils in average daily membership in such schools, (iv) The number of teachers with salaries and increments fixed by law, on any salary schedule now established or hereafter established, and not specially mentioned in this act, shall not exceed one for every twenty-two pupils in average daily membership, (v) The number of principals in the elementary schools, and the principals in charge of all other character of schools now established or hereafter established, and not specially mentioned in this act, shall not exceed one for every six hundred pupils in average daily membership in such schools, (vi) The number of principals in the junior and senior high schools shall not exceed one for every twelve hundred pupils in average daily membership in such schools, (vii) The number of supervisors in all schools shall not exceed one for every fifteen hundred pupils in average daily membership, (viii) The number of attendance officers and home and school visitors shall not exceed one for every two thousand pupils in average daily membership in all elementary and secondary schools, (ix) In all adult and extension school classes, the number of teachers shall not exceed one for every twenty pupils in average daily membership in such schools.

The salary and increments, fixed by law, of members of the teaching and supervisory staff whose number is not in some manner limited hereby, shall not be included within the purposes authorized by clause (1) of this section, but shall be construed and regarded as constituting expenses within the meaning of clause (3) of this section.

Average daily membership, as used herein, shall be based upon membership during the preceding schcol term.

(2) An amount sufficient to pay the interest on, and retire at maturity the principal of, the indebtedness of said district incurred as authorized by law.

(2.1) An amount sufficient to pay any rentals agreed to be paid to the State Public School Building Authority or any other authority created by the General Assembly, having State-wide jurisdiction.

(3) An amount sufficient to pay all cther expenses and requirements of said schcol district, which amount shall be equivalent to not less than three, nor more than five, mills on the dollar of the total assessment of all property assessed and certified for taxation therein.

The total annual school tax levy for all purposes in any school district of the first class shall not be more than eleven and three-quarter (11 3/4) mills on the dollar of the total assessment of all property assessed and certified for taxation in the territory constituting the district.

(652 amended Aug. 5, 1977, P.L. , No.46)

Section 652.1. Taxing Power of Elected Board of Public Education of School Districts of the First Class A.--(a) The elected Board of Public Education in any school district of the first class A shall have authority to impose taxes for the purposes of such school district as follows:

(1) Without ordinance and under the following statutes their reenactments and amendments, at the rates fixed therein, namely:

(i) Act of June 20, 1947 (P.L.745, No.320), (Mercantile License Tax),

(ii) Act of June 20, 1947 (P.L.733, No.319), (Personal Property Tax),

(iii) Act of August 24, 1961 (P.L.1135, No.508), (Income Tax),

(iv) Real property tax acts:

Act of March 10, 1949 (P.L.30, No.14), 11.75 mills,
Act of November 30, 1955 (P.L.793, No.226), 1.5 mills,
Act of July 12, 1957 (P.L.837, No.386), .75 mills,
Act of November 19, 1959 (P.L.1552, No.557), 2 mills,
Act of October 21, 1965 (P.L.650, No.321), 1 mill,
Act of November 26, 1968 (P.L.1098, No.340), 6 mills,
Act of December 15, 1975 (P.L.483, No.143), 6 mills.

((iv) amended Aug. 5, 1977, P.L. , No.46)

(2) In addition thereto, by ordinance on any persons, transactions, occupations, privileges, subjects and real or personal property as they shall determine not prohibited by the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act"; but no ordinance shall authorize the imposition of a tax on the wages, salary or net income of any person not a resident of such school district.

(b) Any ordinance authorizing a tax, other than under a statute and at the rate fixed thereby, shall fix the rate thereof and provide for the levy, assessment and collection of the same.

(c) In any case where an ordinance of the elected board of education imposes a tax on the same subject and person on which any coterminous political subdivision imposes a similar tax, the rate shall be halved as provided in section 8 of "The Local Tax Enabling Act."

(652.1 added Dec. 19, 1975, P.L.511, No.150)

Section 653. Tax Levy for Indebtedness of Prior Districts.--Any school district of the first class assuming any bonded indebtedness of any former school district, sub-school district, or ward school district within its limits, may levy and collect a school tax, not to exceed eight and one half mills on the dollar of the total assessment of all property assessed and certified for taxation therein, until such assumed bonded indebtedness has been paid, after which such school tax levy shall not exceed the limitations fixed by the preceding section of this act.

Section 654. Tax Rates to be Expressed in Dollars and Cents.--Whenever the board of public education of any school district of the first class shall, by resolution, fix the rate of taxation for any year at a mill rate, such resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

Section 655. Property Taxable.--In all school districts of the first class or first class A, the school taxes shall be levied and assessed upon the same real estate and property as that upon which the municipal taxes of the municipality or municipalities comprising such school district of the first class or first class A are levied and assessed. All of such real estate and property is hereby made taxable for school purposes in each school district of the first class or first class A.

(655 amended Jun. 2, 1965, P.L.91, No.60)

Section 655.1. Tax on Owners of Ground Rents.--The board of public education in school districts of the first class shall levy, on or before October 15, 1963, for the calendar year 1963, a tax on owners of ground rents. The tax levied under the provisions of this section for the calendar year 1963 shall be at the rate of one percentum (1%) on each dollar of the total assessment of the full principal value of all ground rents charged on real estate located within such school district of the first class without regard to any statutory provision or to any provisions made in the ground rent deed with respect to the payment of taxes on the ground rent. The tax shall be collected in the same manner with like authority and subject to the same penalties as other real estate taxes for school purposes in school districts of the first class are collected.

The board of public education in school districts of the first class shall levy for the calendar years 1964 and 1965 a tax on owners of ground rents in the same manner with like authority and subject to the same penalties as other real estate taxes for school purposes in school districts of the first class are collected. The tax levied under the provisions of this section shall be at the rate of one per centum (1%) on each dollar of the total assessment of the full principal value of all ground rents charged on real property located within such school district of the first class without regard to any statutory provision or to any provision made in the ground rent deed with respect to the payment of taxes on the ground rent. The taxes authorized to be levied hereunder shall be in addition

to any other taxes levied by such school district of the first class on the real property charged with such ground rent. All taxes, penalties and interest collected under the provisions of this section shall be used by the school district collecting the taxes to pay current expenses or other obligations of the school district.

(655.1 added Aug. 8, 1963, P.L.591, No.309)

Section 656. Certification of Assessments.--In order to enable the board of public education to levy the necessary school taxes for each school year, there shall be certified to the board, annually, before the first day of November of each year, by the board or bureau of assessors, board of revision of taxes, or other proper authorities in the municipality or municipalities comprising school districts of the first class or first class A, an estimated statement of the total assessment of all real estate and property taxable for municipal purposes in such municipality or municipalities comprising a school district of the first class or first class A, for the ensuing year. In school districts of the first class or first class A that are coterminous with a municipality or municipalities, the taxes of which are levied and assessed on real estate and personal property as contained in the assessments made for county tax purposes, the proper county assessing authorities shall furnish to the board of public education, annually, on or before the first day of November, a properly certified duplicate of the then existing adjusted valuation of all property taxable for county purposes and for municipal purposes within the territorial limits of such municipality or municipalities comprising such school district of the first class or first class A, excepting only such assessments of intangible personal property as is not subject to the payment of school taxes.

(656 amended Jun. 2, 1965, P.L.91, No.60)

Section 657. Certification of Levy; Collection.--Upon any school taxes being levied by the board of public education in any school district of the first class, the amount of such levy shall forthwith be properly certified, under the seal of the district, attested by the president and secretary of the board, to the board or bureau of assessors, board of revision of taxes, or other proper authority, authorized to prepare tax duplicates, to be entered thereon, and by said authority properly certified to the receiver of taxes, city treasurer, or other proper authority collecting the municipal taxes in said district, which school taxes shall then be collected as provided by law, at the same time, in the same manner, and with like authority, and subject to the same discounts and penalties as other taxes collected in the municipalities.

Section 658. Bond of Collector; Neglect to Furnish.--(a) Every receiver of taxes, city treasurer, or other authority in a school district of the first class, who is by the provisions of this act authorized to collect or receive the school taxes therein, shall, before entering upon the duties of his office as collector or receiver of school taxes, furnish to the school district a bond, in such amount and with such surety or sureties as the board of public education may approve, conditioned upon the faithful performance of his duty in the office of such collector or receiver. The cost of such bond shall be paid by the school district.

(b) In lieu of furnishing such a bond, each such receiver of taxes, city treasurer, or other authority, may file his own

collateral bond, in such amount as may be required by the board of public education, secured by an actual deposit with the board of public education, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful performance of his duties as receiver or cclllector of taxes. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond. The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of public education, at the amount provided herein. The board of public education may permit the receiver or collector of taxes to substitute for any one or more bonds or obligations included in any such securities, other bonds or obligations that meet the requirements of this act.

(c) In case any receiver of taxes, or city treasurer elected as receiver of taxes or as school treasurer in a school district of the first class, shall refuse or neglect to furnish a proper bond with the proper sureties or securities, as herein provided, after his election, then, in that case, the board of public education may elect any other proper person as receiver of school taxes or school treasurer.

Section 659. Compensation; Stationery; Books; Clerks.--Every such treasurer or receiver of school taxes shall be paid such compensation as the board of public education in the district may determine, and, in addition to his salary, be furnished by the school district with the necessary stationery and books required by him in the performance of his duties as treasurer or receiver of school taxes. The board of public education may also appoint, annually, such clerks as it may deem necessary to assist the receiver of taxes.

Section 660. Monthly Reports; Payment of Taxes Collected.--In every school district of the first class the receiver of taxes, city treasurer, or other proper authority collecting or receiving the school taxes as herein provided, shall, at the end of each month, report to the board of public education, and to the school controller, the total amount of school taxes collected during the month, setting forth the years for which collected. He shall pay the same when and as collected to the school treasurer, and shall file with the school ccntroller a duplicate receipt therefor, and shall, at the end of each month, also report the total amount collected during the current fiscal year, and the unexonerated balance remaining uncollected on the tax duplicate for each year in such district.

Section 661. Annual Reports.--The receiver of taxes, city treasurer, or other proper authority collecting or receiving school taxes in any school district of the first class, shall, annually, on the first Monday of April of each year, settle his accounts for the school taxes for the preceding fiscal year, and shall, at the same time, furnish the board of public education with a statement of the total amount of school taxes standing unpaid upon the tax duplicates.

(661 amended Nov. 30, 1959, P.L.1606, No.583)

Section 662. Liens of Unpaid Taxes.--In all school districts

of the first class, all unpaid school taxes assessed upon any real property shall be liens thereon, in like way and manner, and subject to like provisions and restrictions, as exist and shall exist in the cases of all other taxes assessed in this Commonwealth. Such taxes and liens shall be filed, enforced, and collected by the receiver of taxes, treasurer, or other proper authority, in the manner and under and in accordance with the provisions which are and shall be applicable in the cases of other taxes assessed in this Commonwealth.

Section 663. Per Capita Tax; Districts First Class Less than 1,500,000 Population.--(663 repealed Aug. 24, 1961, P.L.1135, No.507)

Section 664. Annual Budget; Advertising; Public Hearing.--(a) The board of public education of each school district of the first class shall, annually, at or before the time of levying the annual school taxes, prepare an approximate estimate of the amount of funds that will be required by the school district in its several departments for the following fiscal year. Such annual estimate shall be apportioned to the several classes of expenditures of the districts as the board of public education thereof may determine. The total amount of such estimate shall not exceed the amount of funds, including the proposed annual tax levy and State appropriation, available for school purposes in the district. The annual estimates shall be properly certified to the school controller of the district by the secretary of the board.

(b) The board of public education shall, at least fifteen days prior to the time final action is taken on any budget, publish, by advertisement at least once in two newspapers of general circulation printed in the municipality in which such school district is located, notice that such proposed budget has been prepared and is open to public inspection at the office of the board of public education. Such advertisement shall include a notice of public hearing on the proposed budget, scheduled for at least ten days before final action is taken upon any budget.

Section 665. Emergency Appropriations.--The board of public education in school districts of the first class may, during any fiscal year, make additional appropriations, or increase the existing appropriations, to meet emergencies such as epidemics, floods, fire or other catastrophies, and to increase the salaries of the employes of the board, the funds therefor to be provided from unexpended balances in existing appropriations, from unappropriated revenues, if any, or from temporary loans. Such additional appropriations, and such temporary loans, shall be authorized by the affirmative vote of two-thirds of all the members of the board.

The board of public education shall have the power to transfer any unencumbered balance, or any portion thereof, from one appropriation to another, or from one spending agency to another, by the affirmative vote of two-thirds of all the members of the board.

Section 666. Limit of Indebtedness.--The total indebtedness incurred or created in any school district of the first class and first class A, including any indebtedness assumed by it on or before the eighteenth day of May, one thousand nine hundred eleven, shall not exceed fifteen (15) per centum upon the total assessed value of the taxable property in such school district.

(666 reenacted and amended Mar. 16, 1967, P.L.9, No.3)

(e) Second, Third and Fourth Class

Section 671. Fiscal Year.--In all school districts of the second, third, and fourth class, the fiscal year shall begin on the first day of July in each year: Provided, That the board of school directors of any district of the second class may, by resolution adopted by two-thirds vote of the members thereof at a meeting of the board after not less than ten days' notice of the fact that such resolution would be presented for action at such meeting, fix the fiscal year of such school district so as to begin on the first day of January in each year instead of on the first day of July as hereinabove provided.

(671 amended Jul. 31, 1963, P.L.389, No.206)

Section 672. Tax Levy; Limitations.--(a) In all school districts of the second, third, and fourth class, all school taxes shall be levied and assessed by the board of school directors therein, during the month of February or March or April or May or June each year, for the ensuing fiscal year, except in districts of the second class where the fiscal year begins on the first day of January, in which the school taxes shall be levied and assessed during the month of October or November of each year. In such school districts the tax rate shall not exceed twenty-five mills on the dollar, on the total amount of the assessed valuation of all property taxable for school purposes therein. Each school district of the second, third or fourth class may also collect a per capita tax on each resident or inhabitant of such district over eighteen years of age, as herein provided. ((a) amended Jun. 16, 1972, P.L.449, No.138)

(b) Boards of school directors of districts of the second, third, and fourth classes are hereby authorized to levy annually, a tax on each dollar of the total assessment of all property assessed and certified for taxation therein, (1) to pay up to and including the salaries and increments of the teaching and supervisory staff, (2) to pay rentals due any municipality authority or nonprofit corporation or due the State Public School Building Authority, (3) to pay sinking fund charges incurred in connection with school building projects approved by the Department of Public Instruction, and (4) to pay for the amortization of a bond issue which provided a school building prior to the first Monday of July, 1959. ((b) amended Dec. 10, 1974, P.L.914, No.302)

(c) The tax levied to pay salaries and increments of the teaching and supervisory staff shall not be invalidated by reason of the fact that in determining the amount to be raised by such tax for the payment of salaries and increments no deduction was made for appropriations or reimbursements paid or payable by the Commonwealth to the School District which are applicable directly or indirectly to the salaries and increments. None of said taxes shall be invalidated or affected by reason of the fact that it may increase the total annual school tax levy of any school district beyond the millage fixed or limited by this section. ((c) amended Dec. 10, 1974, P.L.914, No.302)

(d) The boards of school directors of all independent school districts in which the board members are elected or appointed by court may, annually, levy a tax as herein authorized, at the same time and in the same manner as other school districts of the same class to which such independent district belongs, in an amount which shall be sufficient with all other taxes imposed by

such district to pay the expenses of such district as set forth in subsection (b) of this section and to pay all other expenses and requirements of such district: Provided, That such tax shall not be more than seventy-five (75) mills on the dollar on the total amount of the assessed valuation of all property taxable for school purposes within such district. Each such district may also collect, annually, a per capita tax in an amount of not less than one dollar ($1) and not more than ten dollars ($10) on each resident or inhabitant of such district over eighteen (18) years of age. ((d) amended Jun. 16, 1972, P.L.449, No.138)

Section 672.1. School Districts Lying in More Than One County or in More Than One Municipality; Limitation on Total Tax Revenues.--(a) Whenever a school district shall lie in more than one county, the total taxes levied on real estate within the school district in each county shall be subject to the limitation that the ratio which such total bears to the most recent valuation of the same properties by the State Tax Equalization Board shall be uniform in all of the counties, and the school district shall adjust its rate of taxation applicable to the portion of the district in each county to the extent necessary to achieve such uniformity; or

(b) As an alternative to the method provided in subsection (a), whenever a school district shall lie in more than one county the board of assessment and revision of taxes in any of the counties or all of the counties in which the school district is located shall, at the request of the school directors of the district, furnish the market value of each parcel of property on the tax roll required to be furnished to the school directors under any assessment law of the Commonwealth. The market value of each parcel shall be the quotient of the assessed value divided by the latest ratio of assessed value to market value in the municipality as determined by the State Tax Equalization Board.

The school directors shall set a tax rate based upon a percentage not exceeding seventy-five (75) per centum of such market values which shall be uniform throughout the district.

(c) In the event a school district or part thereof located within one county is composed of two or more municipal governments at least one of which levies property taxes upon assessments made for county tax purposes and at least one of which utilizes separate assessments made for municipal tax purposes, the property tax levy for school district purposes shall be equalized by either of the methods prescribed in subsections (a) or (b). If the former method is adopted, the ratio which the total taxes levied in each part of the school district bears to the most recent valuation of the same properties by the State Tax Equalization Board shall be uniform; if the latter method is adopted, the market value of each parcel of property on the tax roll shall be (i) in the case of the assessment made for county tax purposes, the quotient of the assessed value divided by the latest ratio of assessed value to market value for that portion of the school district as determined by the State Tax Equalization Board and, (ii) in the case of the separate assessment for municipal tax purposes, the quotient of the assessed value divided by the product of the latest ratio of assessed value to market value in the municipality as determined by the State Tax Equalization Board and the ratio of the total assessed valuation of the same properties for municipal tax purposes to the total assessed

valuation of said properties for county tax purposes.

(d) Whenever a revision of assessment is completed in any portion of a school district and the revised assessments are to be used for school tax purposes the method prescribed in subsection (b) above to equalize school property tax levies shall not be used until the latest ratio of assessed value to market value as determined by the State Tax Equalization Board for that portion of the school district is based upon the revised assessments.

(672.1 amended Jun. 30, 1971, P.L.186, No.25)

Section 673. Tax Rates to be Expressed in Dollars and Cents.--Whenever the board of school directors of any school district of the second, third, or fourth class shall, by resolution, fix the rate of taxation for any year at a mill rate, such resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

Section 674. Property Subject to Tax; Districts Second Class.--In school districts of the second class, the school taxes shall be levied and assessed on the real estate and personal property therein, as contained in the assessment used for tax purposes in the city, borough, incorporated town or township in which the school district is located or as contained in the assessment made for county tax purposes.

(674 amended Jan. 26, 1966 (1965), P.L.1606, No.567)

Section 675. Certification of Assessments, etc.; Districts Second Class.--In order to enable the board of school directors in school districts of the second class to levy and assess the necessary school taxes required by such school district each year, the city clerk or other proper official required by law so to do shall, annually, on or before the first day of April in each year, at the expense of the city, furnish to each school district of the second class for its use, to be retained by it, a properly certified duplicate of the last adjusted valuation of all real estate, personal property, and a list of all residents or inhabitants made taxable in such school district of the second class, stating the name of each taxable, the valuation, and kind of property assessed. All of such real estate, personal property, and residents or inhabitants are hereby made taxable for school purposes in each such school district of the second class. The properly certified duplicate, herein required to be furnished each school district of the second class at the expense of the city, shall consist of a bound book printed and indexed according to the form to be submitted by the secretary of the board of school directors of each such school district to the city clerk or other proper official on or before the first day of January of each year: Provided, That in all cases where a school district of the second class is not located wholly within the boundary lines of a city, the county commissioners or other proper officials in the county shall, at the expense of the county, furnish to the school district a properly certified duplicate of the last adjusted valuation of all real estate, personal property, and residents or inhabitants made taxable for county purposes in such school district.

(675 amended May 9, 1949, P.L.937, No.262)

Section 676. Property Subject to Tax; Districts Third and Fourth Class.--In all school districts of the third class, excepting school districts of that class which are located wholly within the boundary lines of cities of the third class

and where such third class school districts comprise the same territory as such city of the third class in which the same is so located, and in all school districts of the fourth class, the school taxes shall be levied and assessed upon all the property upon which the county taxes are levied and assessed.

In all school districts of the third class which are located wholly within the boundary lines of any city of the third class, and where such third class school district comprises the same territory as such city of the third class in which the same is so located, the school taxes shall be levied and assessed on the real estate and personal property therein as contained in the assessment made for city tax purposes: Provided, That in any such school district of the third class which is situated within a county of the fourth to the eighth class, the board of school directors may, by resolution, accept the provisions of "The Fourth to Eighth Class County Assessment Law" irrespective of whether or not the city has accepted the provisions of such assessment law, and in such case the school taxes shall be levied and assessed upon all the property upon which the county taxes are levied and assessed.

(676 amended Apr. 11, 1961, P.L.80, No.34)

Section 677. Certification of Assessments, etc.; Districts Third and Fourth Class.--(a) In order to enable the board of school directors in each district of the third class, other than school districts of that class which are located wholly within the boundary lines of cities of the third class, and where such third class school districts comprise the same territory as such city of the third class in which the same is so located, and in each district of the fourth class, to assess and levy the necessary school taxes required by such district each year, the county commissioners or other proper officials in each county shall, on or before the first day of April in each year, at the expense of the county, furnish to each school district of the third class, other than school districts of that class which are located wholly within the boundary lines of cities of the third class, and where such third class school districts comprise the same territory as such city of the third class in which the same is so located, and to each district of the fourth class therein, for its use, to be retained by it, a properly certified duplicate of the last adjusted valuation of all real estate, personal property, and residents or inhabitants made taxable for county purposes in such school districts, stating the name of each taxable, and the valuation, description, and kind of property, and a list of the residents or inhabitants assessed. All of such real estate, personal property, and residents or inhabitants are hereby made taxable for school purposes in each school district of the third and fourth class.

(b) In order to enable the board of school directors in all school districts of the third class which are located wholly within the boundary lines of any city of the third class, and where such third class school district comprises the same territory as such city of the third class in which the same is so located, to levy and assess the necessary school taxes required by such school district each year, the city clerk or other proper officials shall, annually, on or before the first day of April in each year, at the expense of the city, furnish to each school district of the third class mentioned in this subsection, for its use, to be retained by it, a properly certified duplicate of the last adjusted valuation of all real

estate, personal property, and a list of all residents or inhabitants made taxable in such school district of the third class mentioned in this subsection, stating the name of each taxable, the valuation, and kind of property assessed. All of such real estate, personal property, and residents or inhabitants are hereby made taxable for school purposes in each such school district of the third class. The properly certified duplicate, herein required to be furnished each of such school districts of the third class at the expense of the city, shall consist of a bound book or books printed and indexed according to the form to be submitted by the secretary of the board of school directors of each school district to the city clerk or other proper official on or before the first day of March of each year.

Section 677.1. Additions and Revisions to Duplicates.--Whenever in second, third and fourth class school districts there is any construction of a building or buildings not otherwise exempt as a dwelling, after September first of any year and such building is not included in the tax duplicate of the school district, the authority responsible for assessments in the city, borough, township or county shall, upon the request of the board of school directors, direct the assessor in the district to inspect and reassess, subject to the right of appeal and adjustment provided by the act of Assembly under which assessments are made, all taxable property in the district to which major improvements have been made after September first, and to give notice of such reassessments within ten days to the authority responsible for assessments, the school district and the property owner. Such property shall then be added to the duplicate, and shall be taxable for school purposes at the reassessed valuation for that proportionate part of the fiscal year of the school district remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the board of school directors to the tax collector for the district, and within ten days thereafter the tax collector shall notify the owner of the property of the taxes due the school district.

(677.1 amended Jul. 22, 1970, P.L.555, No.191)

Section 678. Duplicates to Include Certain Territory.--The tax duplicate to be certified by the count commissioners, the city clerk, or other proper official, to every school district of the second, third, or fourth class shall, in each proper district, include such territory as was attached to another district but by the provisions of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), became a part of the district in which it is situated on the first Monday of July, one thousand nine hundred eleven.

Section 679. Per Capita Taxes.--Each resident or inhabitant, over eighteen years of age, in every school district of the second, third, and fourth class, which shall levy such tax, shall annually pay, for the use of the school district in which he or she is a resident or inhabitant, a per capita tax of not less than one dollar nor more than five dollars, as may be assessed by the local school district. The tax collector shall not proceed against a spouse or his employer until he has pursued remedies against the delinquent taxpayer and the

taxpayer's employer under this section.

Each school district may exempt any person whose total income from all sources is less than two thousand dollars per annum from its per capita tax or any portion thereof. The school district may adopt and employ regulations for the processing of claims for the exemption.

(679 amended Oct. 4, 1978, P.L. , No.184)

Section 680. List of Residents for Per Capita Tax Purposes.--(a) In order that the board of school directors of each school district of the second, third, or fourth class may assess, levy, and collect a per capita tax of not less than one dollar nor more than five dollars on each resident or inhabitant over eighteen years of age in the district, it shall be the duty of the proper assessors in each such school district to prepare a list of residents or inhabitants in such school district over eighteen years of age, and return the same with the other taxable property in the district, as provided by law. In each school district all such lists of residents or inhabitants shall be included and certified in the list of taxable property to be certified to the board of school directors in each such school district, as herein provided. Assessors whose assessment district includes the whole or parts of more than one school district shall return separate lists of residents and inhabitants of each such school district.

(b) Every resident or inhabitant in any school district, upon attaining eighteen years of age, and every person eighteen years of age or over becoming a resident or inhabitant in any school district, shall, within twelve months after the happening thereof, notify the proper assessors of his becoming of age or becoming a resident or inhabitant. Any person failing, within said period, to notify the assessors of the school district within which he resides, shall, in addition to the tax levied by such school district, be liable to such school district in a penal sum equal to such tax.

The board of school directors shall, at the same time as they give public notice of a proposed budget, include a notice of the requirements of this subsection, together with the name and address of the assessor to be notified.

(680 amended Jun. 16, 1972, P.L.449, No.138)

Section 681. Certification of Levy.--In all school districts of the second, third, and fourth class, as soon as the school tax is assessed and levied by the board of school directors, the secretary shall compute and enter the same, stating the amount of school tax to be collected on the duplicate herein required to be furnished to the district. A certified copy of such duplicate shall be furnished by the board of school directors to the tax collector in each district. In any school district where the collector of school taxes is also the collector of county taxes the secretary of the board of school directors may compute and add the amount of the school taxes to the duplicate furnished by the county commissioners to such tax collector for county purposes. In all school districts of the second, third, or fourth class, all tax duplicates shall be furnished, as herein provided, to the tax collectors on or before the first day of July in each year.

(681 amended Jul. 31, 1963, P.L.389, No.206)

Section 682. Tax Duplicates and Warrants.--Each collector of school taxes in every school district of the second, third, or fourth class, shall, on or before the first day of July in each

year, be furnished with his tax duplicate.

(682 amended Jul. 31, 1963, P.L.389, No.206)

Section 683. Appointment of Tax Collector in Certain Cases.--The board of school directors in each school district of the second, third, or fourth class, where a tax collector is not elected to collect school taxes, or where there is a vacancy, or where any tax collector elected refuses to qualify or furnish a bond as herein provided, shall, annually, on or before the first day of June in each year, appoint one or more suitable persons as tax collectors in said school districts. The board of school directors in any school district, appointing any tax collector or tax collectors, may authorize and direct any one tax collector to collect the school taxes in any one or more wards or other proper divisions in such school district.

Section 684. Bond of Appointed Collectors.--(a) Every person appointed collector of school taxes in any school district of the second, third, or fourth class, before receiving his tax duplicate, shall furnish to the school district a proper bond, in an amount to be fixed by the board of school directors, with such surety or sureties as it may approve, conditioned upon the faithful performance of his duties as such tax collector.

(b) In lieu of furnishing such a bond, the tax collector may file his own collateral bond, in such amount as may be required by the board of school directors, secured by an actual deposit with the board of school directors, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful performance of his duties as tax collector. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond. The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of school directors, at the amount provided herein. The board of school directors may permit the tax collector to substitute for any one or more bonds or obligations included in any such securities other bonds or obligations, that meet the requirements of this act.

(c) In school districts of the second class, the board of school directors may in lieu of a surety bond accept a fidelity bond, conditioned upon the accounting for and payment over of all moneys received by him as taxes and the accounting for all tax items contained in his duplicate which remain uncollected. The tax collector and his sureties shall be discharged from further liability on any bond as soon as all tax items contained in the duplicate are either: (1) collected and paid over or, (2) certified to the board of school directors for entry as liens in the office of the prothonotary, or (3) returned to the county commissioners for sale, or (4) the tax collector is exonerated from the collection thereof.

(d) In case any person appointed tax collector shall fail to furnish a proper bond, with the proper sureties or securities, within fifteen days after his appointment, or notice so to do, then, in any such case, the board of school directors shall appoint another suitable person as collector of the school taxes

in said district in his place and stead, who, upon giving the proper bond, with the proper sureties or securities, shall be the duly authorized person to collect the school taxes in said district for the ensuing school year.

Section 685. Disqualification for Reappointment, etc.--In all school districts of the second, third, and fourth class, no tax collector shall be reappointed, or be authorized to collect any school taxes in any school year, unless he shall have first settled his duplicate in full with the board of school directors for the preceding year, in the manner herein provided.

Section 686. Delinquent Taxes; Appointment of Collector; etc.--(a) In all school districts of the second, third, and fourth class, all unpaid school taxes assessed and levied upon real property upon which there is no personal property out of which the same can be collected, shall be certified by the tax collector to the secretary of the board of school directors, together with a proper description of the property upon which the same is levied, on or before the first day of June in each year. All delinquent school taxes so certified to the board of school directors in any school district of the second, third, or fourth class, by any school tax collector, shall be collected by said board as provided by law.

(b) The board of school directors in such district may annually, on or before the first day of July in each year, appoint one or more suitable persons, as delinquent tax collectors in said school district, to collect any and all school taxes from the collection of which the original tax collector has been exonerated, in accordance with the laws of this Commonwealth, and which taxes still remain unpaid upon any of the school tax duplicates, other than such unpaid school taxes as shall have been filed as liens in the office of the prothonotary, or have been returned to the county commissioners for sale. Such delinquent tax collector or collectors shall, upon the certification over to him or them of such taxes so remaining unpaid, proceed to collect the same from the persons respectively charged therewith, for which purpose he or they shall have all the authority and power now vested by law in any collector of school taxes for the collection of such taxes. The board of school directors issuing the original warrants shall issue an additional warrant to the collector or collectors of such delinquent taxes so appointed. ((b) amended Jul. 31, 1963, P.L.389, No.206)

(c) Collectors of delinquent school taxes so appointed shall give bond in the same manner as required of the original tax collector, and shall be paid such commissions or compensation as is paid the regular collector. Such commissions or compensation shall be paid by proper orders drawn on the school treasurer as other accounts are paid by the school district. Every such collector of delinquent school taxes shall be responsible and account to the board of school directors for all such taxes collected by him in like manner and in accordance with existing laws pertaining to school tax collections.

Section 687. Annual Budget; Additional or Increased Appropriations; Transfer of Funds.--(a) The board of school directors of each school district of the second, third, or fourth class shall, annually, at least thirty (30) days prior to the adoption of the annual budget, prepare a proposed budget of the amount of funds that will be required by the school district in its several departments for the following fiscal year. Such

proposed budget shall be prepared on a uniform form, prepared and furnished by the Department of Public Instruction, and shall be apportioned to the several classes of expenditures of the district as the board of school directors thereof may determine. Final action shall not be taken on any proposed budget, in which the estimated expenditures exceed two thousand dollars ($2000), until after ten (10) days' public notice. Nothing in this act shall be construed to prevent any school district, whose total estimated expenditures do not exceed two thousand dollars ($2000), from holding a public hearing. The proposed budget shall be printed, or otherwise made available for public inspection to all persons who may interest themselves, at least twenty (20) days prior to the date set for the adoption of the budget.

(b) The board of school directors, after making such revisions and changes therein as appear advisable, shall adopt the budget and the necessary appropriation measures required to put it into effect. The total amount of such budget shall not exceed the amount of funds, including the proposed annual tax levy and State appropriation, available for school purposes in that district. Within fifteen (15) days after the adoption of the budget, the board of school directors shall file a copy of the same in the office of the Department of Public Instruction. ((b) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(c) The board of school directors may, during any fiscal year, make additional appropriations or increase existing appropriations to meet emergencies, such as epidemics, floods, fires, or other catastrophies, or to provide for the payment for rental under leases or contracts to lease from the State Public School Building Authority or any municipality authority entered into subsequent to the date of the adoption of the budget. The funds therefor shall be provided from unexpended balances in existing appropriations, from unappropriated revenue, if any, or from temporary loans. Such temporary loans, when made, shall be approved by a two-thirds vote of the board of school directors. ((c) amended Jan. 21, 1952 (1951), P.L.2195, No.627)

(d) The board of school directors shall have power to authorize the transfer of any unencumbered balance, or any portion thereof, from one class of expenditure or item, to another, but such action shall be taken only during the last nine (9) months of the fiscal year.

(f) Capital Reserve Fund for School Building Project Programs Approved by the Department of Public Instruction. ((f) added Nov. 30, 1959, P.L.1597, No.577)

Section 690. Creation of Capital Reserve Fund for Approved School Building Project Programs.--Any school district shall have the power to create a special fund, which may be designated as a Capital Reserve Fund, and to accumulate therein moneys to be expended, in accordance with the provisions of this act, during a period not to exceed five years from the date when the first payment was made into the fund, for the purpose of constructing a school building project or projects under a long-term project program approved by the Department of Public Instruction. The proposed project program may include the cost of acquiring suitable sites for school buildings, the cost of constructing new school buildings, or the cost of providing needed additions or alterations to existing buildings. The Department of Public Instruction may approve any project programs if it shall find in the case of all school districts,

except school districts of the first class, first class A and second class which are not part of a county-wide plan, that each component of the proposed project program is in conformity to plans for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth and in the case of all school districts, that the building or buildings will conform to standards prescribed by the State Board of Education with respect to educational and architectural design, building materials, fixtures and equipment, location, usefulness for community activities, safety, comfort and convenience and that the school district will have the ability to meet from current revenues the rental or sinking fund charge which may be necessary to amortize that portion of the cost of the proposed project or projects which is not covered by anticipated accumulation of money in the district's capital reserve fund. Moneys accumulated in the district's capital reserve fund may be paid as a lump sum at the time that construction of the project or projects is begun or payment of such accumulated sums may be spread over a period of years as a part of the annual rental or sinking fund charge approved by the Department of Public Instruction for the proposed project or projects. (Par. amended Jan. 14, 1970 (1969), P.L.468, No.192)

The capital reserve fund herein provided for shall consist of receipts from a special tax which each board of school directors or board of education is hereby authorized to levy in accordance with the provisions of this act. Such tax levy may not exceed three mills in any one year; nor may the tax be levied, on account of any one project program, for a period of more than five years. Furthermore, such tax may be levied only for the purpose of financing a school building project or projects which have been approved by the Department of Public Instruction for construction within five years from the date of the approval given by that department. Upon the total and final completion of a project program which for the purpose herein contemplated, may include the construction, reconstruction, or renovation of more than one building, the board of school directors may proceed to set up a new project program for later construction and may establish a new capital reserve fund to finance such project program.

If for any reason the project program for which the capital reserve fund was established fails to materialize, the moneys accumulated in the fund shall be reverted to the district's general fund in equal amounts spread over a period of five years.

(690 added Nov. 30, 1959, P.L.1597, No.577)

Section 691. Investment of Fund; Budget; Record.--The moneys in the capital reserve fund shall be kept separate and apart from any other fund by the treasurer of the school district, and the moneys in the fund may be invested by the board of directors or by the board of education in securities legal for the investment of sinking fund moneys of school districts. The interest earnings on investments shall be paid into the capital reserve fund. The board of directors or the board of education may sell any such securities and reinvest the moneys in other securities or convert such securities into cash when the same may be needed for expenditure under the provisions of this act or for reverting to the general fund if the approved project or projects fail to materialize within the five year period. The

school district shall annually show in its budget and in its annual financial report, the amount of moneys in the capital reserve fund which shall at all times be properly identified as to purpose and authority under which it is constituted.

(691 added Nov. 30, 1959, P.L.1597, No.577)

Section 692. Expenditure of Fund.--The moneys in any such capital reserve fund may be expended by the school district singly or jointly (1) with the Commonwealth or any department or agency thereof; (2) with the Federal government or any department or agency thereof; or (3) with one or more other school districts only during the period of time for which the fund was created, and only for capital improvements approved by the Department of Public Instruction and for no other purpose.

(692 added Nov. 30, 1959, P.L.1597, No.577)

(f) Distressed School Districts

((f) added Dec. 15, 1959, P.L.1842, No.675)

Section 691. When District Distressed.--(a) A school district shall be deemed to be distressed when any one of the following circumstances shall arise and the Superintendent of Public Instruction, after proper investigation of the district's financial condition, the administrative practices of the board and such other matters as to him may seem pertinent, has issued a certificate declaring such district in financial distress:

(1) The salaries of any teachers or other employes have remained unpaid for a period of ninety (90) days.

(2) The tuition due another school district remains unpaid on and after January first of the year following the school year it was due and there is no dispute regarding the validity or amount of the claim.

(3) Any amount due any joint board of school directors under a joint board agreement remains unpaid for a period of ninety (90) calendar days beyond the due date specified in the joint board's articles of agreement.

(4) The school district has defaulted in payment of its bonds or interest on such bonds or in payment of rentals due any authority for a period of ninety (90) calendar days and no action has been initiated within that period of time to make payment.

(5) The school district has contracted any loan not authorized by law.

(6) The school district has accumulated and has operated with a deficit equal to two per centum (2%) or more of the assessed valuation of the taxable real estate within the district for two successive years.

(7) A new, merged or union school district has been formed and one or more of the former school districts which compose the merged or union school district was a distressed school district at the time of the formation of the merged or union school district. ((7) added Jul. 31, 1963, P.L.407, No.215)

(b) No school district shall be deemed to be distressed by reason of any of the above circumstances arising as a result of the failure of the Commonwealth to make any payment of money due the district at the time such payment is due.

(691 added Dec. 15, 1959, P.L.1842, No.675)

Section 692. Special Board of Control; Petition; Appointments.--Whenever on the basis of a proper investigation as herein provided for, the Superintendent of Public Instruction has declared any school district to be a distressed school

district he or his designated representative who shall be a person trained in public school administration, possessing the certification prerequisites demanded of a district or assistant superintendent, or holding in the Department of Public Instruction the rank of Deputy Superintendent, shall petition the court of common pleas of the county in which such district, or the largest part in area, is located to appoint two citizens who shall be qualified electors and taxpayers in the county in which the school district is located. School directors and employes of any such school district shall be ineligible for appointment by the court. The appointees, together with the Superintendent of Public Instruction or his designated representative, shall constitute a special board of control. Vacancies occurring because of death or resignation of appointed members of the board shall be filled by the court. The special board of control shall assume control of the affairs of the district and operate it in the place of the school directors during the period necessary to reestablish a sound financial structure in the district. The costs of the court proceedings shall be paid by the Department of Public Instruction.

(692 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 692.1. When No Appointment Is Made.--In the event that the court of common pleas has made no appointment of members to a special board of control within thirty (30) days of the date of the filing of the petition for such appointment, the Superintendent of Public Instruction may designate the executive director of the intermediate unit and a member of the intermediate unit board of directors of the intermediate unit in which the petition is presented to serve until the court makes its appointments. A school director of the distressed school district serving on the intermediate board of directors shall be ineligible for appointment.

(692.1 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 692.2. Compensation of Special Board of Control.--The members of the special board appointed by the court, or the member other than the executive director of the intermediate unit appointed on a temporary basis by the Superintendent of Public Instruction, shall be paid ten dollars ($10) for each meeting of the regular board of school directors of the distressed school district which they attend: Provided, however, That the total amount to be paid in any fiscal year to each such member shall not exceed one hundred twenty dollars ($120). Such payments shall be made from the funds of the school district and shall be charged to administrative services even though no previous provision has been made in the budget of the school district for such expenses.

(692.2 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 693. Powers of Special Board of Control.--When the special board of control assumes control of a distressed school district, it shall have power and is hereby authorized to exercise all the rights, powers, privileges, prerogatives and duties imposed or conferred by law on the board of school directors of the distressed district, and the board of school directors shall have no power to act without the approval of the special board of control. In addition thereto, the special board of control shall have power to require the board of directors within sixty (60) days to revise the district's budget for the purpose of effecting such economies as it deems necessary to improve the district's financial condition. To this end the

special board of control may require the board:

(1) To cancel or to renegotiate any contract other than teachers' contracts to which the board or the school district is a party, if such cancellation or renegotiation of contract will effect needed economies in the operation of the district's schools.

(2) To increase tax levies in such amounts and at such times as is permitted by the act to which this is an amendment.

(3) To appoint a special collector of delinquent taxes for the district who need not be a resident of the school district. Such special tax collector shall exercise all the rights and perform all the duties imposed by law on tax collectors for school districts. The superseded tax collector shall not be entitled to any commissions on the taxes collected by the special collector of delinquent taxes.

(4) To direct the special school auditors of the department or to appoint a competent independent public accountant to audit the accounts of the distressed school districts.

(5) To dispense with the services of such nonprofessional employes as in his judgment are not actually needed for the economical operation of the school system.

(6) To suspend, in accordance with the provisions of section 1124 of the act to which this is an amendment, such number of professional and temporary professional employes as may be necessary to maintain a pupil-teacher ratio of not less than twenty-six pupils per teacher for the combined elementary and secondary school enrollments.

(693 added Dec. 15, 1959, P.L.1842, No.675)

Section 694. Additional Tax.--When the operation of a distressed school district has been assumed by the special board of control, the board of school directors of the district shall, upon the recommendation and with the approval of the special board of control, levy an additional tax or taxes sufficient to liquidate the indebtedness of the district: Provided, That when such school directors fail to levy such additional taxes within a reasonable time, the special board of control may petition the court of common pleas of the county in which such district or the largest part in area is located to issue a writ of mandamus requiring the board to levy such additional tax or taxes, or he may, in his own name, initiate action to have the board removed from office for neglect of duty subject to the provisions of section 318 of this act. Notwithstanding present limitations on tax rates imposed by law, such limitations shall not apply to distressed school districts.

(694 added Dec. 15, 1959, P.L.1842, No.675)

Section 695. School Directors to Remain in Office; Elections.--The school directors of a distressed district may not resign their offices, except with the unanimous consent of the special board of control and shall continue in office, unless removed from office for neglect of duty under the provisions of section 318 of this act by the court of common pleas of the county in which such district or the largest part in area is located, or unless any of such directors are elected to another position not compatible with the position of school director or are appointed to any position for which there is a requirement that said appointee shall hold no elective office, for the remainder of their terms during the time the district is operated by the special board of control and shall perform any duties delegated to them by it. The assumption of control of a

distressed school district by the special board of control shall in no way interfere with the regular election or reelection of school directors for the district.

(695 amended Jul. 31, 1963, P.L.407, No.215)

ARTICLE VII.
GROUNDS AND BUILDINGS.

(a) Duty to Provide; Acquisition and Disposition of Property.

Section 701. Duty to Provide; Conditions.--The board of school directors of each district shall provide the necessary grounds and suitable school buildings to accommodate all the children between the ages of six and twenty-one years, in said district, who attend school. Such buildings shall be constructed, furnished, equipped, and maintained in a proper manner as herein provided. Suitable provisions shall be made for the heating (including the purchase of fuel), ventilating, adequate lighting and sanitary conditions thereof, and for a safe supply of water, so that every pupil in any such building may have proper and healthful accommodations.

(701 amended Dec. 14, 1970 (1969), P.L.468, No.192)

Section 701.1. Referendum or Public Hearing Required Prior to Construction or Lease.--Except where the approval of the electors is obtained to incur indebtedness to finance the construction of a school project, the board of school directors of any school district of the second, third or fourth classes, shall not construct, enter into a contract to construct or enter into a contract to lease a new school building or substantial addition to an existing school building without the consent of the electors obtained by referendum or without holding a public hearing as hereinafter provided. In the event that a new school building or a substantial addition to an existing building is to be constructed or leased, the school board shall, by a majority vote of all its members, authorize a maximum project cost and a maximum building construction cost to be financed by the district or amortized by lease rentals to be paid by the district. Building construction cost shall consist of the cost of all building construction including general construction costs, plumbing, heating, electrical, ventilating and other structural costs, equipment and fixtures and architectural and engineering fees relating thereto, but not including costs for site acquisition and development, rough grading to receive the building, sewage treatment facilities or equivalent capital contributions, and architectural and engineering fees relating thereto. In all cases, a public hearing shall be held not later than thirty (30) days before the school district submits the initial building construction cost estimates to the Department of Education for approval. Notice of the hearing shall be given not later than twenty (20) days before the date of the scheduled hearing. In the event that the maximum building construction cost authorization exceeds the aggregate building expenditure standard hereinafter specified, the aforesaid authorization of the school board shall be submitted to the electors of the school district for their approval within six (6) months prior to submission of the final building construction cost bids to the Department of Education for approval. Such referendum shall be held in the same manner as provided by law for the approval of the incurring of indebtedness by referendum. The question as submitted shall specify the maximum project cost, the maximum

building construction cost and the annual sinking fund charge or lease rental to be incurred by the school district and the portion of such charge or rental expected to be reimbursed by the Commonwealth. If the final building construction cost bids to be submitted to the Department of Education for approval are less than the aggregate building expenditure standard hereafter specified but exceed by eight (8) per cent or more the initial building construction cost estimates submitted to the Department for approval, a second public hearing shall be held before the Department shall give its final approval.

The applicable aggregate building expenditure standard shall be a total amount calculated for each building or substantial addition by multiplying the rated pupil capacity under the approved room schedule by the following: two thousand eight hundred dollars ($2,800) for each pupil of rated elementary capacity; four thousand two hundred dollars ($4,200) for each pupil of rated secondary capacity in grades seven, eight and nine and five thousand two hundred dollars ($5,200) for each pupil of rated secondary capacity in grades ten, eleven and twelve and five thousand two hundred dollars ($5,200) for each pupil of rated vocational-technical capacity in grades ten, eleven and twelve to not include the cost of equipment and fixtures in such vocational-technical schools: Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 1974; and annually thereafter by multiplying said amounts by the ratio of the composite construction cost index compiled and published by the United States Department of Commerce for the preceding calendar year to such index for the next preceding calendar year. Rated elementary pupil capacity or rated secondary pupil capacity for any school building shall be the rated pupil capacity determined on the basis of the method used by the Department for school building reimbursement purposes during the school year 1971-1972.

For purposes of this section:

(1) "Site acquisition" includes the cost of land and mineral rights, demolition and clearing, rights-of-way and related utility relocations, surveys and soils analysis, and the cost of all fees relating thereto.

(2) "Site development" includes excavation, grouting or shoring, special foundations for buildings, access roads to site, utilities on site, extension of utilities to site.

(3) "Equipment and fixtures" means property fixed or movable which is incidental and necessary to conduct the educational program, and includes, but is not limited to movable equipment such as desks, chairs, tables, portable physical education equipment, audio-visual equipment and science, homemaking, industrial art and business equipment and instructional materials and fixtures such as casework, laboratory equipment, kitchen equipment, auditorium seating and any other special fixtures or equipment required to conduct a particular educational program.

(4) "Substantial addition" means more than twenty (20) per centum of the area and replacement value of the structure to which the improvement is to be added.

(701.1 added Jun. 27, 1973, P.L.75, No.34)

Section 702. Location and Amount of Land; Playground.--The location and amount of any real estate required by any school district for school purposes shall be determined by the board of

school directors of such district, by a vote of the majority of all the members of such board. No new school building shall be erected without a proper playground being provided therefor.

Section 703. Acquisition of Buildings, Sites for School Buildings and Playgrounds, and Disposing Thereof.--In order to comply with the provisions of this act, and subject to the conditions thereof, the board of school directors of each district is hereby vested with the necessary power and authority to acquire, in the name of the district, by purchase, lease, gift, devise, agreement, condemnation, or otherwise, any and all schools and real estate, either vacant or occupied, including lands theretofore occupied by streets and alleys which have been vacated by municipal authorities, and to acquire by purchase, lease, gift or devise, other buildings approved for school use by the Department of Education as the board of school directors may deem necessary to furnish school buildings or other suitable sites for proper school purposes for said district or to enlarge the grounds of any school property held by such district, and to sell, convey, transfer, dispose of, or abandon the same, or any part thereof, as the board of school directors may determine.

(703 amended Jun. 1, 1972, P.L.325, No.89)

Section 703.1. Lease of Buildings or Portions of Buildings Constructed or Altered for School Use.--The board of school directors of any district is hereby vested with the power and authority to lease for an extended period of five (5) years or more, with or without provisions for acquisition of same, buildings or portions of buildings constructed for school use and/or other buildings or portions of buildings altered for school use provided such buildings comply with standards and regulations established by the State Board of Education and the Department of Labor and Industry.

(703.1 added Dec. 6, 1972, P.L.1445, No.323)

Section 704. Acquisition and Disposition of Property in Other District; Freedom from Taxation.--The board of school directors of any district is hereby vested with the necessary power and authority to acquire, in the name of the district, by purchase, lease, gift, devise, agreement, condemnation, or otherwise, for proper school purposes, any school building or other real estate situated in another school district and to erect thereon school buildings, and to sell, convey, transfer, or abandon the same, or any part thereof, subject to the provisions of this act. Any such buildings or other real estate used for proper school purposes acquired in any other district by any such district shall be exempt from taxation for any purpose whatever.

Section 705. Residences for Teachers and Janitors.--The board of directors of any school district of the fourth class, when they consider it necessary, may purchase or build a residence or residences for the use of the principal or teacher or janitor, or any of them, as shall be deemed advisable, in the same manner and upon the same procedure as other school buildings are purchased or erected. Such school districts, with the approval of the Department of Public Instruction, are authorized to expend the funds of the school district and to borrow money for the purchase or erection of such residences in the same manner as for other school buildings. Any such district may fix and charge a rental for the use of such building, which rental shall be paid into the school treasury. All property acquired under this section shall be held by the school district

the same as other school property.

(705 amended Oct. 21, 1965, P.L.601, No.312)

Section 706. Parks; Playgrounds; etc.--Any school district shall have the power to join with any city, borough, incorporated town, township, or county, or any combination thereof, in equipping, operating, and maintaining parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, and may appropriate money therefor. For such purpose, the school district may levy an annual tax not to exceed two mills on the dollar of the assessed valuation of taxable property in the school district.

Section 707. Sale of Unused and Unnecessary Lands and Buildings.--The board of school directors of any district is hereby vested with the necessary power and authority to sell unused and unnecessary lands and buildings, by any of the following methods and subject to the following provisions:

(1) By public auction, either on the premises to be sold or at places selected by the school board, after due notice by publication in one or more newspapers of general circulation published within the county or the school district and in the legal newspaper in said county, if any, once a week for three successive weeks before the date fixed for said sales, and by hand bills, one or more of which must be posted on the property proposed to be sold, and at least five of which must be posted at conspicuous places within the vicinity of said real estate. Terms and conditions of sale shall be fixed by the board in the motion or resolution authorizing the sale. ((1) amended Sep. 27, 1955, P.L.650, No.173)

(2) Upon sealed bids requested by the school board, notice of the request for sealed bids to be given as provided in clause (1) of this section. Terms and conditions of sale shall be fixed by the board in the motion or resolution authorizing the request for sealed bids.

(3) At private sale, subject to the approval of the court of common pleas of the county in which the school district is located. Approval of the court shall be on petition of the board of school directors, which petition shall be executed by the proper officers of the board, and shall contain a full and complete description of the land proposed to be sold, a brief description and character of the building or buildings erected thereon, if any, the name of the prospective purchaser, the amount offered for the property, and shall have attached thereto an affidavit of at least two persons who are familiar with the values of real estate in the locality in which the land and buildings proposed to be sold are located, to the effect that they have examined the property, that the price offered therefor is a fair and reasonable one and in their opinion a better price than could be obtained at public sale, and that they are not interested, either directly or indirectly, in the purchase or sale thereof. Before the court may act upon any such petition it shall fix a time for a hearing thereon and shall direct that public notice thereof be given as provided in clause (1) of this section. A return of sale shall be made to the court after the sale has been consummated and the deed executed and delivered.

(4) In the case of land, or any interest therein, acquired by a school district of the first class at any sale on a tax or municipal claim, or on a bid submitted at any judicial sale, where the school district has an interest arising out of unpaid taxes against the premises being sold, or by voluntary

conveyance in payment of taxes, the land so acquired may be sold by the school district of the first class, at public or private sale, pursuant to a resolution of the board of public education of such school district, without advertisement, and without further proceedings or confirmation by the court.

(5) The board of school directors may, at their discretion, when selling real estate, sell and convey such real estate to the purchasers for the accepted consideration, payable partly in cash and partly in the form of a purchase money mortgage (and bond) to be paid in not more than five (5) years from the date thereof and bearing interest at the rate of not less than five (5) per centum, said mortgage and bond to contain the customary provisions requiring fire insurance and the payment of taxes, water rents, and assessments by the mortgagor and obligor.

(6) The board of school directors, when selling property at private sale, may engage the services of licensed real estate brokers to secure prospective purchasers, and pay them the customary real estate agents' commission charged within the school district, but only in the event the sale is actually consummated by the brokers.

(7) The moneys derived from sales of real estate enumerated in clause (4) of this section shall be paid into the general fund, along with moneys derived from taxes, and may be used for current expenses of the school district. The moneys derived from sales of other real estate shall be used for debt service or for capital expenditures.

(8) Notwithstanding the foregoing provisions of this section, any school district of the second, third or fourth class, upon approval of two-thirds (2/3) of the members of the board of school directors of such district, may convey any unused and unnecessary lands and buildings of the district to the city, borough, town or township, the boundaries of which are coterminous with or within those of the district, without consideration, or for such consideration and on such terms of exchange or otherwise as may be agreed upon, without first complying with the requirements of the foregoing provisions of this section.

All such conveyances shall contain a clause whereby the lands and buildings will revert to the school district if they are no longer being used for municipal or authority purposes.

((8) added Jul. 31, 1968, P.L.796, No.242)

(9) Notwithstanding the foregoing provisions of this section, any school district may lease, grant, assign or convey to the State Public School Building Authority, a municipality authority or any profit or nonprofit corporation, partnership, association or person, with or without consideration, in connection with any lease for a school building or project, any lands, easements or rights in lands, together with any improvements, buildings or structures therein or thereon, now owned by the school district or hereafter acquired by it, deemed necessary to carry out the project, as well as furnishings and equipment used or useful in connection therewith. ((9) added Jul. 11, 1957, P.L.775, No.373)

(10) Notwithstanding the foregoing provisions of this section, any school district may, at any time prior to July 1, 1969, convey any unused and unnecessary lands and buildings which are of historical significance and importance to any legally constituted historical society for historical purposes without consideration or for such consideration and on such

terms or exchange or otherwise as may be agreed upon without complying with the other provisions of this section. ((10) amended Oct. 25, 1967, P.L.486, No.232)

(11) Notwithstanding the foregoing provisions of this section, and subject to the limitations herein set forth, any school district, upon approval of two-thirds (2/3) of the members of the board of school directors of said district, may convey, with or without consideration, any unused or unnecessary lands and buildings of the district to: (i) a community college organized and existing under the provisions of the "Community College Act of 1963,"; or (ii) the State Public School Building Authority or a municipality authority with which the community college has entered into or is about to enter into a lease rental agreement for the use of the subject lands and buildings.

The conveying school district shall: (i) be a sponsor of the community college to which the conveyance is to be made, or with which the State Public School Building Authority or the municipality authority to which the conveyance is to be made has entered into or is about to enter into a lease rental agreement for the use of the subject lands and buildings; or (ii) be coterminous with or included within the boundaries of a municipality or county board of school directors sponsoring the community college to which the conveyance is to be made or with which the State Public School Building Authority or the municipality authority to which the conveyance is to be made has entered into or is about to enter into a lease rental agreement for the use of the subject lands and buildings.

((11) added Jul. 31, 1968, P.L.796, No.242)

Section 708. Abandonment of Property.--No property that has heretofore been acquired by, or conveyed or granted to, any school district for school purposes, or which may hereafter be acquired by any school district for school purposes, shall be considered as abandoned until the board of school directors of such district shall pass, by vote of the majority of members of the board, a resolution declaring it to be the intention of such district to vacate and abandon the same, whereupon all right, title, and interest of such district in such premises shall be fully terminated.

Section 709. Lease of Unused and Unnecessary Lands and Buildings.--The board of school directors of any district may lease for any lawful purpose, other than educational use, unused and unnecessary lands and buildings of the district pending the sale thereof or until such time as the board shall decide again to make use thereof for school purposes. Terms and conditions of lease shall be fixed by the board in the motion or resolution authorizing the lease. All rents collected shall be paid into the general fund of the district.

(709 added Aug. 26, 1953, P.L.1451, No.420)

(b) Eminent Domain

Section 721. Condemnation of Land.--Whenever the board of school directors of any district cannot agree on the terms of its purchase with the owner or owners of any real estate that the board has selected for school purposes, such board of school directors, after having decided upon the amount and location thereof, may enter upon, take possession of, and occupy such land as it may have selected for school purposes, whether vacant or occupied, and designate and mark the boundary lines thereof, and thereafter may use the same for school purposes according to the provisions of this act: Provided, That no board of school

directors shall take by condemnation any burial ground, or any land belonging to any incorporated institution of learning, incorporated hospital association, or unincorporated church, incorporated or unincorporated religious association, which land is actually used or held for the purpose for which such burial ground, institution of learning, hospital association, church, or religious association was established.

Section 722. Security for Damages; Fee Simple Title.--The school funds which may be raised by taxation in any school district shall be pledged, and hereby are made security, to the owner or owners of any property taken for school purposes, for all damages they may sustain on account of taking of such property by the district for school purposes.

The title to all real estate acquired by any school district by condemnation proceedings shall be vested in such school district in fee simple.

Section 723. Appointment of Viewers; Notice.--When the board of school directors of any district shall enter upon and occupy lands for school purposes, as herein provided, it or the owners of such premises, or any one of them in behalf of all of them, may present a petition to the court of common pleas of the county in which such land is situated, setting forth the facts, giving a description of the premises taken by metes and bounds, and the names of all the owners thereof; whereupon the court shall appoint a jury of viewers, from the county board of viewers, and shall fix a time for a hearing when they shall view the premises. Said time shall not be less than ten (10) or more than thirty (30) days after their appointment. Five (5) days' notice of the time and place for the first meeting shall be given by the petitioners to said viewers and other parties interested. If on account of non-residence, or of any other reason, personal notice cannot be given, notice shall be given of such view by registered letter, or by advertisement, or otherwise, as the court may direct.

Section 724. Duties of Viewers; Report; Notice.--At the time and place fixed for the view, the viewers, having first been duly sworn or affirmed to perform their duties with fidelity and according to law, shall view and examine the premises so taken by the school district, and, after hearing such parties as may desire to be heard, shall decide and make a true report to the court concerning the matters set forth in such petition and submitted to them, and, taking into consideration the quality and location of and the improvements upon the land taken and occupied for school purposes, and taking into consideration the damages sustained and the benefits accruing, shall estimate and determine what amount of damages, if any, have been sustained by the owner of such premises by reason of the taking of said land by the school district, and to whom payable, if they can ascertain the legal owners thereof. Such hearing may be adjourned from time to time as such viewers may direct. The school district and the parties interested shall have at least five (5) days' notice of the filing of the viewers' report. If the actual owner of the premises, or any part thereof, by reason of non-residence or otherwise, cannot be notified, notice of the filing of the report shall be given as directed by the court.

Section 725. Confirmation of Report.--If no exceptions are filed to, or appeal taken from, the report of the viewers by any party interested within thirty (30) days after the filing thereof, the same shall be confirmed absolutely by the court,

and the amount awarded therein to any person shall be a valid debt and obligation of the school district, collectible as herein provided.

Section 726. Payment of Damages into Court.--If on account of any liens existing against such premises, or if the actual owners thereof cannot be found, or if the owners or any of them refuse the amount awarded by such report, or if, for any other reason, the school district cannot pay the sum awarded for such damages to the person legally entitled thereto, it may pay the same into court, and thereafter the owners of such premises or its lien creditors shall look to said fund for all damages accruing to them on account of the taking of said property.

Section 727. Exceptions and Appeals.--If exceptions to the report of the viewers are filed by any interested party, or if an appeal is taken, the exceptions or appeal shall be disposed of according to the rules of the court.

Section 728. Costs.--All costs and witness fees in any such case shall be paid by the school district: Provided, That in cases where an appeal is taken by any property owners from the award made by any board of viewers, and the appellant does not recover a verdict for a greater amount than the viewers awarded, the appellant shall pay all costs of such appeal and trial.

(c) Specific Requirements.

Section 731. Approval by Department of Plans, etc., of Buildings; Exceptions.--The Department of Education, with respect to construction or reconstruction of public school buildings, shall have the power and its duties shall be:

(1) To review all projects, plans and specifications for school building construction or reconstruction, and to make recommendations thereon to the General Assembly and the Governor;

(2) To assist school districts in preplanning construction and reconstruction projects, and offer such architectural, engineering and financial advice as will enable the project to comply with the standards prescribed by the State Board of Education;

(3) To hold hearings on any or all projects and subpoena witnesses, administer oaths, take testimony and compel the production of documents relevant to any investigation;

(4) To act as liaison between the public, local school officials, the General Assembly, and the Governor on school building construction and reconstruction projects;

(5) To receive and investigate complaints from the public or other source concerning any school building construction or reconstruction project;

(6) To conduct investigations on any phase of school building construction or reconstruction projects.

The Department of Education shall employ engineers, architects, financial advisors, and such other staff personnel as may be necessary for the proper performance of the duties of the Department with respect to construction or reconstruction of public school buildings.

No public school building shall be contracted for, constructed, or reconstructed, in any school district of the second, third, or fourth class until the plans and specifications therefor have been approved by the Department of Education.

When ordinary repairs are proposed, such as plastering, painting, replacement of floors, improvement of school grounds,

repairing or providing walks, roadways or retaining walls, the cost of which in districts of the second class or in districts of the third and fourth class will not exceed fifteen thousand dollars ($15,000) per building, no approval shall be required. Where any structural change is involved, such as moving or adding doors, windows, partitions, making additions or any excavations, or any work which may affect the safety or health of the pupils, or any work which comes under the jurisdiction of another department of the Commonwealth, approval of the Department of Education shall be required regardless of the cost of such structural change.

No school building shall be purchased by any school district until such purchase shall have been approved by the Department of Education. Such approval shall not be given unless the school building to be purchased and any approved structural changes or renovations meet the standards required to operate public school buildings of a similar age currently in use in the Commonwealth.

(731 amended Jun. 27, 1973, P.L.75, No.34)

Section 731.1. Approval of Lease Agreements.--No building facilities for school use authorized under the provisions of section 703.1, shall be leased by any school district until such lease agreement has been approved by the Department of Education. Such approval shall not be given unless the building facilities to be leased meet the standards required to operate public school buildings in use in the Commonwealth.

(731.1 added Dec. 6, 1972, P.L.1445, No.323)

Section 732. Plans, etc., Furnished by State Council of Education.--(732 repealed Jul. 27, 1953, P.L.629, No.184)

Section 733. Standards of State Board of Education.--(a) All public school buildings hereafter built or rebuilt shall conform to standards established by the State Board of Education as to heating and ventilating systems, light area, floor space, cubical contents, substantiated need and cost standards for construction throughout the Commonwealth: Provided, That the board of school directors shall in each case have the power to determine the type of heating and ventilating systems to be used. Cost standards shall take into account the percentage of total space which may be reimbursable, the percentage of total district budget represented by capital outlay required for the project, the financial capability of the applicant to sustain and maintain the obligation of indebtedness to be created by the proposed project, and such other factors as the board may consider necessary to establish reasonable cost standards. The board shall each year review, update, and if necessary revise such cost standards. The board shall, at least once during each period of three years, completely review and revise such standards in the light of improved facilities, equipment and methods, and in the light of changing philosophies of classroom efficiency, and with a view to utilizing natural advantages wherever available. Such standards shall permit of opportunity for individuality in design and equipment to meet the requirements and possibilities of each public school building to be built or rebuilt.

(b) Any school district may petition the State Board of Education to grant an exception to specific standards as provided in this section where unnecessary hardships or educational inadequacy would otherwise result. The State Board of Education shall hold a hearing on such petitions for exceptions upon request of the school district or may authorize

the Department of Education to conduct such hearings.

(c) The Secretary of Education shall have the power to deny approval to any school building construction or reconstruction project which fails to meet standards prescribed by the State Board of Education.

(733 amended Jun. 27, 1973, P.L.75, No.34)

Section 734. Heating and Ventilating Standards.--(734 repealed Jun. 27, 1973, P.L.75, No.34)

Section 735. Advisory Committee on Standards.--For the purpose of advising the State Board of Education in making revisions of standards as required by section 733 of this act, the Governor shall immediately before the time for making any revision, appoint an advisory committee consisting of fifteen members, three of whom shall be registered architects experienced in designing school buildings, one of whom shall be a registered engineer experienced in the application of environmental controls for school buildings, one of whom shall be a registered engineer experienced in the design or evaluation of maintenance techniques, facilities or equipment, two of whom shall be school administrators, two of whom shall be classroom teachers, one of whom shall be a physician, one of whom shall be representative of the construction industry experienced in school construction, two of whom shall be school board members who are not teachers or administrators and two of whom shall be residents of the Commonwealth not professionally engaged in any of the aforementioned occupations. The members of such committees shall serve without compensation, but shall be reimbursed for their necessary expenses actually incurred in the performance of their duties.

The advisory committee shall attach a statement to its recommended changes and revisions in the standards setting forth the reasons for such changes or revisions with reference to the specific educational or health benefits expected to accrue from such changes or revisions and the associated expected change in construction or maintenance costs.

(735 amended Jun. 27, 1973, P.L.75, No.34)

Section 736. Heating Stoves to be Shielded.--No board of school directors in this Commonwealth shall use a common heating stove for the purpose of heating any school room, unless such stove is in part enclosed within a shield or jacket made of galvanized iron, or other suitable material, and of sufficient height, and so placed, as to protect all pupils while seated at their desks from direct rays of heat.

Section 737. Ventilation; Thermometer.--No school room or recitation room shall be used in any public school which is not provided with ample means of ventilation, and whose windows, when they are the only means of ventilation, shall not admit of ready adjustment both at the top and bottom, and which does not have some device to protect pupils from currents of cold air. Every school room or recitation room shall be furnished with a thermometer.

Section 738. Fireproof Construction.--All school buildings, two or more stories high, hereafter erected or leased in any school district of the first class in this Commonwealth shall be of fireproof construction; and in any school district of the second, third, or fourth class, every building more than two stories high, hereafter built or leased for school purposes, shall be of fireproof construction.

Section 739. Doors to Open Outward; Fire Escapes; etc.--All

doors of entrance into any building used for public school purposes shall open outward.

In all school buildings erected after the first day of May, one thousand nine hundred twenty-five, or buildings leased or used for school purposes, all entrance and exit doors, as well as all doors leading to or from all regular, special, or general rooms, shall open outward.

Every school building shall be provided with necessary fire-escapes and safety-appliances as required by law.

On and after January 1, 1973, each new school building and every addition to an existing school building equipped with windows and with no emergency fire rescue door to the outside, shall be equipped with escape windows of such type and at such locations as may be approved by the Department of Labor and Industry.

(739 amended Mar. 23, 1972, P.L.118, No.43)

Section 740. Water-closets or Out-houses.--The board of school directors in every district shall, with every building used for school purposes, provide and maintain in a proper manner, a suitable number of water-closets or out-houses, not less than two for each building, where both sexes are in attendance. Such water-closets or out-houses shall be suitably constructed for, and used separately by, the sexes. When any water-closets or out-houses are outside and detached from the school building, the entrances thereto shall be properly screened, and they shall, unless constructed at a remote distance from each other, have separate means of access thereto, and, if possible, for not less than twenty-five (25) feet from such water-closets or out-houses, such means of access or walks leading thereto shall be separated by a closed partition, wall, or fence, not less than seven (7) feet high.

The board of school directors shall keep all water-closets or out-houses, used in connection with any school building, in a clean and sanitary condition, and shall, not less than ten (10) days prior to the opening of any term of school, and oftener if necessary, have them properly cleaned and disinfected by the use of fresh-dry-slacked lime, or other proper disinfecting materials.

Section 741. Substrata Evaluation.--Any school district or authority planning to construct or reconstruct a school building located in an area certified by the Department of Environmental Resources to be subject to mine subsidence, shall, before beginning design, obtain an evaluation of the substrata of the land upon which it will be situate from the Department of Environmental Resources.

(741 added Feb. 9, 1972, P.L.59, No.17)

Section 751. Work to be Done Under Contract Let on Bids; Exception.--(a) All construction, reconstruction, repairs, or work of any nature, including the introduction of plumbing, heating and ventilating, or lighting systems, upon any school building or upon any school property, made by any school district, where the entire cost, value, or amount of such construction, reconstruction, repairs, or work, including labor and material, shall exceed two thousand five hundred dollars ($2,500), shall be done under separate contracts to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids. Whenever a board of school directors shall approve the use of a prefabricated unit, complete in itself, for

a school building or other proper structure to be erected upon school property, the board of school directors may have prepared appropriate specifications detailing the size and material desired in a particular prefabricated unit, including all utilities such as plumbing, heating and ventilating, and electrical work, and may advertise for a single bid on all the work and award the contract therefor to the lowest responsible bidder: Provided, That if due to an emergency a school plant or any part thereof becomes unusable competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and upon the approval of any of these bids by the Secretary of Education, the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids.

(b) The board of school directors in any school district either may perform any construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is less than five thousand dollars ($5000), by its own maintenance personnel, or may have any such construction, reconstruction, repairs, or work performed by contract after soliciting bids from at least three responsible bidders: Provided, That the board of school directors in any school district may authorize the secretary of the board or other executive to award contracts for construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is two thousand five hundred dollars ($2,500) or less, without soliciting competitive bids.

(c) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (No.3), known as the "Steel Products Procurement Act."

(751 amended Oct. 4, 1978, P.L. , No.236)

Section 752. Contracts to Require Competent Workmen.--All contracts, hereafter awarded and entered into by any school district, shall contain a clause or stipulation requiring that no person shall be employed to do work under such contract except competent and first-class workmen and mechanics. No workmen shall be regarded as competent and first-class, within the meaning of this act, except those who are duly skilled in their respective branches of labor, and who shall be paid not less than such rates of wages and for such hours' work as shall be the established and current rates of wages paid for such hours by employers of organized labor in doing of similar work in the district where work is being done.

Section 753. Stipulations for Minimum Wages.--(a) The specifications upon which contracts are entered into by any school district for the construction, alteration, or repairs of any public work or improvement may, at the option of the school district, contain the minimum wage or wages which may be paid by the contractor or his sub-contractors for the work performed by laborers and mechanics employed on such public work or improvement, and such laborers and mechanics shall in such cases be paid not less than such minimum wage or wages.

(b) Every contract for the construction, alteration, or repair of any public work or improvement, founded on specifications containing any such stipulation for minimum wage or wages, shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said

specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications.

(c) Every officer or person designated as an inspector of, or having supervision over, the work to be performed under any such contract, in order to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, report to the board of school directors which let the contract, all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specification, and the day or days of such violation.

(d) All such penalties shall be withheld and deducted, for the use of the school district, from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his sub-contractors: Provided, That if any such contractor or sub-contractor subsequently pays to all laborers and mechanics the balance of the amounts stipulated in such contract, the school district shall pay to the contractor the amount so withheld as penalties.

Section 754. Contracts to Provide for Resident Workmen; Penalty.--The specifications upon which contracts are entered into by any school district for the construction, alteration, or repair of any public works, shall contain the provision that laborers and mechanics employed on such public works shall have been residents of the Commonwealth for at least ninety days prior to their employment. Failure to keep and comply with such provision shall be sufficient legal reason to refuse payment of the contract price to the contractor.

Section 755. Contracts to Prohibit Discrimination Against Race, Creed or Color; Penalty.--Every contract for or in behalf of any school district for the construction, alteration, or repair of any public building or public work, shall contain provisions by which the contractor agrees--

(1) That in the hiring of employes for the performance of work under this contract, or any sub-contract hereunder, no contractor, sub-contractor, nor any person acting on behalf of such contractor or sub-contractor, shall, by reason of race, creed or color, discriminate against any citizen of the Commonwealth of Pennsylvania who is qualified and available to perform the work to which the employment relates;

(2) That no contractor, sub-contractor, nor any person on his behalf, shall in any manner discriminate against or intimidate any employe hired for the performance of work under his contract on account of race, creed or color;

(3) That there may be deducted from the amount payable to the contractor under this contract, a penalty of five dollars ($5) for each person for each calendar day during which such person was discriminated against or intimidated, in violation of the provisions of the contract; and,

(4) That this contract may be cancelled or terminated by the school district, and all money due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this portion of the contract.

Section 756. Additional Bond for Payment of Labor, Materials, etc.--It shall be the duty of every school district to require any person, co-partnership, association, or

corporation, entering into a contract with such district for the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind whatsoever, where the amount of such contract is in excess of five hundred dollars ($500), before commencing work under such contract, to execute and deliver to such school district, in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond for the use of any and every person, co-partnership, association, or corporation interested, in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price, as such school district may prescribe, having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, conditioned for the prompt payment of all material furnished and labor supplied or performed and all machinery used in the prosecution of the work whether or not the material or labor or use of machinery enter into and become component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the school district for the use of any party interested therein. Every such additional bond shall provide that every person, co-partnership, association, or corporation, who, whether a sub-contractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work as above provided, and who has not been paid therefor may sue in assumpsit on said additional bond in the name of the school district for his, their, or its use, and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereon. The school district shall not be liable for the payment of any costs or expenses of any suit.

(756 repealed in part Dec. 20, 1967, P.L.869, No.385)

Section 757. Actions by Sub-Contractors, etc., on Performance Bonds.--(a) In all cases where a surety bond shall be given to any school district to secure performance by a contractor of any public contract for the construction, reconstruction, alteration, or repair of any building, or other structure, or for the completion of any project, or performance of any other work whatsoever, or the supplying of any materials, and such bond shall include a condition for the payment of material furnished and labor supplied or performed in connection with such public work or improvement, or similar provisions, irrespective of whether such bond or any provision therein shall have been required by statute or any other authority, and where no separate or additional bond conditioned for the payment of material furnished and labor supplied or performed in connection with such public contract has been taken, then, and in such event, every person, co-partnership, association, or corporation, who, whether as sub-contractor or otherwise, has furnished material or supplied or performed labor in connection with such public work or improvement and who has not been paid therefor, shall have the right to intervene and be made a party to any action instituted on such bond by the school district named as obligee therein, and have his, their, or its rights and claims adjudicated in such action and judgment rendered thereon for any amount due him, them, or it, for such labor or materials; subject, however, to the priority of the claim and judgment of the school district obligee, if any.

(b) If the amount of the liability of the surety on said

bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the school district obligee, the remainder shall be distributed pro rata among said interveners.

(c) If no suit is brought by the school district obligee within six months from the completion of said contract and final settlement therefor, then the person or persons who have supplied the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the school district that labor and materials for the prosecution of such work have been supplied by him, them, or it, and that payment for the same has not been made, be furnished with a certified copy of said contract and bond upon which he, they, or it shall have a right of action, and shall be authorized to bring suit in the name of the school district obligee for his, their, or its use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution. Where suit is instituted by any of such creditors on the bond of the contractor, it shall not be commenced until after the complete performance of said contract and final settlement thereof with the school district, and shall be commenced within one year after the performance and final settlement of the contract, and not later.

(d) Where suit is so instituted by a creditor or creditors, no other action shall be brought by any other creditor, but any other creditor may file his claim in the action first brought and be made party thereto within one year from the completion of the work under said contract, but not later. If two or more actions are brought on the same day, the action in which the largest claim is demanded shall be regarded as the first action. Any creditor who has brought an action within one year but after suit brought by another creditor or on the same day, may intervene in the suit first brought within the year, notwithstanding the fact that the intervention in such case is after the expiration of the year, provided such intervention is made within thirty days after the expiration of the year. If the recovery on the bond is inadequate to pay the amounts found due to all creditors, judgment shall be given to each creditor pro rata, of the amount of the recovery.

(e) The surety on said bond may pay into court for distribution among said claimants and creditors the full amount of the surety's liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the school district obligee by reason of the execution of said bond. Upon so doing, the surety shall be relieved from further liability.

(f) In all suits instituted under the provisions of this act, such personal notice of the pendency of such suits, informing them of their right to intervene, as the court may order, shall be given to all known creditors, and in addition thereto, notice shall be given by publication in a newspaper of general circulation published in the county or town where the contract was performed, once a week for at least three successive weeks. When such suit has been begun within three weeks of the end of the year within which suit may be brought, said notice by publication shall be only for the period intervening between the time of instituting such suit and the end of the year.

(g) Where the principal contractor shall, for any reason,

have failed to complete performance of his contract, and completion of the project is undertaken by the school district or the surety, either by themselves or by letting of new contracts, the six-month period before which suit may be brought and the one year period within which such action must be commenced by sub-contractors, material-men and laborers, as above provided, shall date from the completion and acceptance of the project covered by the original contract and bond. For the purposes of such suits, the date of such completion shall be fixed by the officers of the school district. Written notice of the date of such completion shall be given to all persons who shall theretofore request such notice.

(757 repealed in part Dec. 20, 1967, P.L.869, No.385)

Section 758. Appropriations to Nonprofit Corporations for Constructing School Buildings.--Whenever any school building or buildings have been rendered totally unfit for use by reason of fire, acts of God, obsolescence, overcrowding, inadequacy, or lack of facilities, or other unforeseen cause, the board of school directors of any school district shall have power to appropriate money out of the general fund of the school district to any nonprofit corporation established for the purpose of constructing school buildings for the use of the school district. Before any such money is paid over the corporation shall enter into a lease with the school district for the buildings proposed to be erected, whereby the school district shall have the right to renew such lease at stated periods at a stipulated rental and at any time during the continuance of the lease to purchase the buildings from the corporation at a stipulated price. None of the powers granted by this act shall be used by the board of school directors of any school district without the specific and written approval of the Department of Public Instruction.

Section 759. Appropriations to Nonprofit Corporations for Athletic Stadia, etc.--The board of school directors of any school district shall have power to enter into a contract of lease and release with any nonprofit corporation established for the purpose of erecting athletic stadia, including adequate equipment for the athletic field connected therewith, as well as fence enclosures and lighting systems therefor, for the use of the school district, under which contract the school district shall lease land owned by it to the nonprofit corporation for the purpose of erecting thereon an athletic stadium, including adequate equipment for the athletic field connected therewith, as well as fence enclosures and lighting systems therefor, for the use of the school district. The school district shall lease the same from the nonprofit corporation at a stated rental, payable only out of the proceeds of the gate receipts and rentals for the use of such facilities, with the right in the school district to renew such lease at stated periods at a stipulated rental, and, at any time during the continuance of the lease, to purchase the improvements from the nonprofit corporation at a stipulated price. No such contract of lease and release shall be entered into until the entire project has been submitted to and approved by the Department of Public Instruction in writing. Such approval shall include specifically, (1) approval of purpose for which improvement is intended, (2) total cost of improvement, (3) amount of rental, (4) period of time for amortization, and (5) a stipulation that no money of the school district, other than that received from

gate receipts and rentals for the use of the improvements, shall be used in making any payment of rental or purchase price. Upon completion of the improvements the school district shall take over and operate the same and shall collect all gate receipts and entrance fees, and all rentals for the use of the improvements, and shall keep the same in a separate fund apart from all other moneys of the school district. Such fund, until title to the improvements has been obtained by the school district, shall be used only for the maintenance and operation of the stadium and other improvements, and for the payment of rentals and purchase price of such improvements.

Section 760. Completion of Abandoned WPA Projects, Districts Third and Fourth Class.--Whenever any school district of the third or fourth class, pursuant to contract with the Works Projects Administration or any other agency of the United States Government, shall have expended money for the erection of a school building to be erected by such agency, and after the erection of such building has been begun, but before the completion thereof the project is abandoned by the Works Projects Administration or other agency of the United States Government, the board of directors of such school district may, with the approval of the Superintendent of Public Instruction, enter into a contract for the immediate continuation of the work of erecting such school building to an extent necessary to protect the work already completed from loss or damage by the elements. Such contract may be let on competitive bids solicited from at least three responsible bidders and approved by the Superintendent of Public Instruction.

(e) General Provisions.

Section 771. Display of United States Flag; Development of Patriotism.--The board of school directors in each district shall, when they are not otherwise provided, purchase a United States flag, flagstaff, and the necessary appliances therefor, and shall display said flag upon or near each public school building in clement weather, during school hours, and at such other times as the board may determine.

All boards of school directors, all proprietors or principals of private schools, and all authorities in control of parochial schools or other educational institutions, shall display the United States national flag, not less than three feet in length, within all school buildings under their control during each day such schools are in session. In all public schools, the board of school directors shall make all rules and necessary regulations for the care and keeping of such flags. The expense thereof shall be paid by the school districts.

All supervising officers and teachers in charge of public, private or parochial schools shall establish and direct the conduct of appropriate daily instruction or ceremonies, or, in lieu thereof, at least one full period per week, for the purpose of affirming and developing allegiance to and respect for the Flag of the United States of America, and for the promoting of a clear understanding of our American way of life, with all of the unparalleled individual opportunities, and our republican form of government, with its responsiveness to majority decisions and demands. Such elements shall be included in this program as instruction in the fundamental principles of our form of government, an understanding of the provisions of the Constitution of the Commonwealth of Pennsylvania and the Constitution of the United States of America, the values to be

found in the freedom of speech, of religion and of the press, the values to be found in obedience to the laws of the land and the Commonwealth, the importance of exercising the right of franchise, the obligation of every citizen to stand ready to defend our country at all times from infiltration or aggression by those whose acts and ideologies are contrary to our American philosophy of life.

(771 amended Jan. 8, 1952 (1951), P.L.1856, No.497)

Section 772. Condition of Grounds; Shade Trees.--The board of school directors in each school district shall put the grounds about every school building in a neat, proper and sanitary condition and so maintain the same and shall provide and maintain a proper number of shade trees.

Section 773. Contracts for Light, Heat or Water; Acquiring Water Supply; Condemnation; Tapping District Water Lines.--(a) The board of school directors in any school district may, in the manner herein provided, enter into any contract with any person, firm, association, or corporation, for the furnishing of light, heat, or water to such school district, for any term not exceeding five years. The amount to become due and payable thereon, under such contract, may be distributed equally during the years over which the same extends, and only so much thereof as becomes due and payable in any one year need be provided for in the annual estimate of school expenses for any school year, and be certified to by any school controller.

(b) In any case where any school building to be supplied with water is not sufficiently near to the pipe lines of any water company to enable the school district to avail itself of such supply and another source of supply is available nearer to such school building, the board of school directors may acquire such supply, or any part thereof deemed necessary, and may lay and construct a pipe line to convey water from such source of supply to such school building, and, for such purpose, may enter upon, occupy and use any highway or public or private property which it deems necessary. In the event that compensation therefor cannot be agreed upon with any owner of private property so acquired, occupied and used, the amount thereof shall be determined in the manner provided in sections seven hundred twenty-one to seven hundred twenty-eight, both inclusive, of this article.

(c) In any case where a school district has constructed a water pipe line for the supply of water to any school building and such supply is more than adequate for such purpose, the board of school directors may, subject to such terms as may be agreed on, permit the tapping of such pipe line by any adjacent community having no other available public water supply.

(773 amended May 11, 1949, P.L.1115, No.329)

Section 774. Insurance on Buildings; Public Liability Insurance for Employes; Purchase of Insurance From Employes, etc.--(a) The board of school directors in every school district shall have full power and authority to make and enter into any contract or contracts it may deem proper with any person, firm or corporation, including any mutual fire insurance company authorized to transact business in this Commonwealth, for the purpose of insuring against loss or damage by fire, or otherwise, any or all of the school buildings or other property owned or leased by the school district.

(b) The board of school directors in every school district shall have full power and authority to make and enter into any

contract or contracts it may deem proper with any person, firm or corporation, including any mutual insurance company authorized to transact business in this Commonwealth, for the purpose of insuring every employe and school director of the school district against liability for damages sustained by pupils or others as a result of the employes' or directors' negligence in the performance of his or her duties during the course of his or her employment or the performance of his or her duties. ((b) amended Dec. 6, 1972, P.L.1409, No.303)

(c) No contract or contracts of insurance authorized by this section shall be purchased from or through any person employed by the school district in a teaching or administrative capacity. (774 amended June 8, 1961, P.L.280, No.164 and repealed insofar as inconsistent Nov. 26, 1978, P.L. , No.330)

Section 775. Use of School Buildings for Other Purposes; Arrangements with City, Borough or Township.--The board of school directors of any district may permit the use of its school grounds and buildings for social, recreation, and other proper purposes, under such rules and regulations as the board may adopt. The board shall make such arrangements with any city, borough, or township authorities for the improvement, care, protection, and maintenance of school buildings and grounds for school, park, play, or other recreation purposes, as it may see proper. Any board of school directors may make such arrangements as it may see proper with any officials or individuals for the temporary use of school property for schools, playgrounds, social, recreation, or other proper educational purposes, primaries and elections, and may permit the use of any school building for holding official meetings of the governing authorities of corporate or politic, governmental or quasi-governmental bodies, created by authority of any act of Assembly. The use thereof shall not interfere with school programs and shall be subject to reasonable rules and regulations adopted by the board of school directors.

Funds raised by individuals, groups, associations, or corporations, through the permissive use of school grounds or buildings, now or hereafter authorized by law, shall be the property of the individuals, groups, associations, or corporations, and not the property of the school district, subject, however, to such arrangements as the board may, at its discretion, lawfully make.

The board of school directors of any school district shall have power and authority to lease any part of their respective school building, equipment and premises, or any vacant building, for any educational purpose. Such leases shall be subject to the terms and regulations which may be adopted by the board of school directors, and except in districts of the first class, shall be further subject to the approval of the Department of Public Instruction. (Par. amended Oct. 21, 1965, P.L.601, No.312)

The board of public education or the board of school directors of any school district shall have power and authority to lease any of their respective school buildings or athletic fields to any reputable organization or group of persons for charitable purposes, subject to such charges as the board shall consider proper to reimburse it for any costs resulting from the leasing of such school buildings or athletic fields. At the time of such leasing, any such board may require a bond, in an amount that it may deem proper, with responsible sureties or

securities, and a statement of the charitable purposes for which such lease is requested.

(775 amended Oct. 7, 1955, P.L.676, No.187)

Section 776. School Property Exempt from Taxation and Municipal Assessments; Exception.--All school property owned by any school district, real and personal, that is occupied and used by any school district for public school, recreation, or any other purposes provided for by this act, shall be, and hereby is, made exempt from every kind of State, county, city, borough, township, or other tax, as well as from all costs or expenses for paving, curbing, sidewalks, sewers, or other municipal improvements: Provided, That any school district may make any municipal improvement, in any street on which its school property abuts, or may contribute any sum toward the cost thereof.

(776 repealed in part Jun. 11, 1968, P.L.157, No.86 and Jul. 31, 1968, P.L.1032, No.312)

Section 777. Defacing, Injuring or Destroying Property Used for School Purposes; Penalty.--(a) If any person shall willfully or maliciously break into, enter, deface, or write, mark, or place any obscene or improper matter upon, any public school building, or other building used for school purposes, or other purposes provided for in this act, or any out-house used in connection therewith; or shall deface, injure, damage, or destroy any school furniture, books, paper, maps, charts, apparatus, or other property contained in any public school building, or other building used and occupied for school purposes, or other purposes provided for in this act; or shall injure, damage, or destroy any shade-trees, shrubbery, fences, or any other property of any kind, upon any public school grounds, or upon any public school playground, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars ($50) and not more than one thousand dollars ($1,000), or undergo an imprisonment in the county jail for a period not exceeding six months, either or both, at the discretion of the court. In addition to any other penalty prescribed by this subsection, the court, upon conviction of a defendant for a violation of this subsection, may order the defendant to compensate the school district for any damages it sustained as a result of the defendant's unlawful conduct.

(b) The board of school directors of a school district is authorized to adopt regulations and procedures providing for rewards of up to one thousand dollars ($1,000) to any person who provides information which aids in the conviction of any person for violating the provisions of subsection (a).

(777 amended Aug. 24, 1977, P.L. , No.59)

Section 778. School Police Officers.--(a) Any school district may apply to any judge of the court of common pleas of the county within which the school district is situated to appoint such person or persons as the board of directors of the school district may designate to act as policeman for said school district. The judge, upon such application, may appoint such person, or so many of them as he may deem proper, to be such policemen, and shall note the fact of such appointment to be entered upon the records of the court.

(b) Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe to the oath required by the seventh article of the Constitution, before an

alderman or justice of the peace or prothonotary. Such oath shall be filed by the justice of the peace, alderman, or prothonotary among his papers, and a note made upon his docket of the fact of the oath having been taken.

(c) Such policeman so appointed shall severally possess and exercise all the powers of a constable in this Commonwealth in enforcing the school laws of the Commonwealth in their respective districts, and in policing the grounds belonging to said school districts, and protecting the property thereof. The keeper of jails or lockups or station house in the county is required to receive all persons arrested by such policeman for the commission of any offense against the laws of this Commonwealth, upon or near to the ground occupied by said school district, to be dealt with according to law.

(d) Such policeman shall, when on duty, severally wear a metallic shield or badge with the words "School Police," and the name of the district for which appointed. Such shield shall always be worn in plain view when on duty except when employed as detective.

(e) The compensation of such policemen shall be paid by the school district for which the policemen are respectively appointed, as may be agreed upon between the board of school directors and the policeman.

Section 779. Vehicle Rules and Regulations and Penalties for Violations.--(a) The board of school directors of any school district may make rules and regulations not inconsistent with the provisions of the Vehicle Code or any local ordinance for the admission, control and movement of vehicles and the parking thereof on school property.

(b) Any person violating any rule or regulation promulgated under the authority of this section shall, upon summary conviction thereof, be sentenced to pay a fine of not less than two dollars ($2) nor more than ten dollars ($10) and costs of prosecution, and in default of payment thereof, shall undergo imprisonment for not more than ten (10) days.

(779 added Jun. 9, 1972, P.L.384, No.110)

(f) State Public School Building Authority.

((f) added May 9, 1949, P.L.1017, No.296)

Section 781. Grants to State Public School Building Authority.--Any school district shall have power and authority, with the approval of the Department of Public Instruction, to grant, assign and convey to the State Public School Building Authority, with or without consideration, any lands, easements or rights in lands, together with any improvements, buildings or structures therein or thereon, now owned by such school district or hereafter acquired by it, needed or convenient to carry out the purposes of these amendments, as well as furnishings and equipment for school buildings.

(781 added May 9, 1949, P.L.1017, No.296)

Section 782. Acquisition of Lands; Bond Issues.--Any school district shall have power and authority, with the approval of the Department of Public Instruction and in the manner hereinbefore provided, to acquire title in the name of the school district to any additional lands or interests in lands which may be required to carry out the purposes of these amendments and to finance such acquisition by the issuance and sale of its general obligation bonds, in the manner provided by law.

(782 added May 9, 1949, P.L.1017, No.296)

Section 783. Appropriations; Use of Proceeds of Bond Issues.--Any school district shall have power and authority, with approval of the Department of Public Instruction, to appropriate to the State Public School Building Authority any funds available for building purposes. Any such funds which represent the proceeds of any general obligation bonds issued by the school district shall be used by the State Public School Building Authority for or toward the purpose or purposes for which such bonds were issued, and in the event that any such bonds were issued pursuant to a vote of the electors, any appropriation of such proceeds, as above set forth, shall not be deemed such a change of purpose from that for which such bonds were authorized as shall require the question to be again submitted to a vote of the electors under any existing law.

(783 added May 9, 1949, P.L.1017, No.296)

Section 784. Contracts to Lease and Leases; Operation and Maintenance.--Any school district shall have power and authority, with the approval of the Department of Public Instruction, to enter into contracts with the State Public School Building Authority to lease as lessee from the Authority any school building or any improvement thereto, and the furnishings and equipment thereof, constructed by the Authority, for a term not exceeding forty (40) years, at such rental or rentals as may be determined by the Authority, and upon the execution of a contract or contracts for the construction of, or during the period of construction of, or upon the completion of such school buildings or improvements and the furnishings and equipment thereof, the school district shall have power and authority to lease the same as lessee, for a term not exceeding forty (40) years, at such rental or rentals as may be determined by the Authority. There shall be included in the annual budget of all school districts an appropriation to meet the amount of such rental or rentals.

Any school district shall have the power and authority to pay for operation and maintenance of any school building or any improvement thereto, and furnishings and equipment thereof, leased as lessee by it from the Authority under the provisions of the first paragraph of this section.

(784 amended Jun. 28, 1951, P.L.920, No.172)

Section 785. Failure to Pay Rent; Withholding Appropriation.--In all cases where the board of directors of any school district fails to pay or to provide for the payment of any rental or rentals due the State Public School Building Authority for any period in accordance with the terms of any lease entered into under the terms of subdivision (f) of this article, upon written notice thereof from the Authority, the State Superintendent of Public Instruction shall notify such board of school directors of its obligation and shall withhold out of any State appropriation due such school district an amount equal to the amount of the rental or rentals owing by such school district to the State Public School Building Authority and shall pay over the amount so withheld to the Authority in payment of the rental.

(785 amended Sep. 7, 1955, P.L.582, No.150)

Section 786. Joint Action of Districts.--With the approval of the Department of Public Instruction any two or more school districts may (1) jointly enter into contracts and leases with the State Public School Building Authority for the construction or improvement of a school building and the furnishings and

equipment thereof for the joint use of school districts, and may (2) either jointly or individually convey or lease, as hereinbefore provided, to the Authority, any lands and improvements now owned or hereafter acquired by any one or more of such school districts, and may (3) jointly acquire title to additional lands or interests in land, as hereinbefore provided. (Par. amended Jan. 14, 1970 (1969), P.L.468, No.192)

The sharing of the cost of such land and improvements and of the rental or rentals payable to the Authority and the maintenance, government and control of the school shall be agreed upon by the boards of directors of such districts so joining, in such manner and in such proportions as they may agree upon. All schools established under the provisions of this section shall be maintained, governed and controlled as other public schools under the laws of this Commonwealth. (Par. added May 9, 1949, P.L.1017, No.296)

(g) Municipality Authorities.
((g) added Jan. 21, 1952 (1951), P.L.1017, No.296)

Section 790. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Municipality Authorities.--Whenever the board of any municipality authority shall have undertaken a school project or projects for use by a school district individually or for use by two or more school districts jointly, such school district or school districts shall have the power, upon written approval of the Department of Public Instruction:

(1) To sell, lease, lend, grant or convey to such municipality authority, individually or jointly, with or without consideration, any lands, easements or rights in lands which may be deemed necessary for the project, together with any buildings, structures or improvements thereon erected, as well as furnishings and equipment used or useful in connection therewith.

(2) To purchase or otherwise acquire additional lands or interests in lands which may be deemed necessary for the project, and to finance such acquisition by the issuance and sale of general obligation bonds according to law.

(3) To transfer, assign and set over to such municipality authority any contract which may have been awarded for such project or projects.

(4) To make appropriations to such municipality authority out of its or their general funds or out of any other available funds, including proceeds of insurance on school property, the proceeds of bonds of the school district or districts issued for building purposes and not so used, and moneys set aside or otherwise available for building purposes. Any such funds which represent the proceeds of any general obligation bonds heretofore or hereafter issued by the school district shall be used by such municipality authority for or towards the purpose or purposes for which such bonds were issued and, in the event that any such bonds were issued pursuant to a vote of the electors, any appropriation of such proceeds, as above set forth, shall not be deemed such a change of purpose from that for which such bonds were authorized as shall require the question to be again submitted to a vote of the electors under any existing law.

(5) To lease, individually or jointly, from such municipality authority such school project or projects for a

term not exceeding forty (40) years, at such rental or rentals, payable out of current revenues, and upon such terms and conditions as may be authorized by the board of such municipality authority and the board or boards of school directors of such school district or school districts, and, in case of joint leases, to agree upon the manner of sharing, as between the school districts, the rental or rentals and any other sums payable to the municipality authority and the costs and expenses of insuring, operating, maintaining and repairing the school property leased.

(6) To make all other contracts or agreements with such municipality authority or with other school districts as may be deemed necessary or convenient in connection with the project.

(7) In all cases where the board of directors of any school district fails to pay or to provide for the payment of any rental or rentals due any municipality authority or nonprofit corporation for any period in accordance with the terms of any lease entered into under the provisions of this section, the State Superintendent of Public Instruction shall notify such board of school directors of its obligation, and shall withhold out of any State appropriation due such school district an amount equal to the amount of rental or rentals owing by such school to the municipality authority or nonprofit corporation, and shall pay over the amount so withheld to the municipality authority or nonprofit corporation in payment of the rental. ((7) added Feb. 14, 1956 (1955), P.L.1043, No.333)

(790 added Jan. 21, 1952 (1951), P.L.2195, No.627 and repealed in part Mar. 22, 1956 (1955), P.L.1315, No.417)

(h) Other Means of Financing.

((h) added Jul. 11, 1957, P.L.775, No.373)

Section 791. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Profit or Nonprofit Corporations, Partnerships, Associations, or Persons.--(a) The board of school directors of any school district or the boards of school directors of any two or more school districts jointly may, if project conforms to plans for the orderly development of administrative units and attendance areas upon the written approval of the Department of Public Instruction. ((a) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(1) Enter into a lease or leases with a profit or nonprofit corporation, partnership, association or persons, for the rental of necessary grounds and buildings for school purposes or buildings to be erected for school purposes whereby the school district or districts shall have the right to renew the lease or leases not to exceed forty years at a stipulated rental to be paid by the school district or districts out of current revenues and at any time during the continuance of the lease or leases purchase the grounds and buildings at a stipulated price.

(2) In connection with the execution of the lease, sell lease, land grant or convey, individually or jointly, to the corporation, partnership, association or person, with or without consideration, any lands, easements, or rights in lands, which are deemed necessary for the project together with any buildings, structures or improvements thereon erected as well as furnishings and equipment used or useful in connection therewith.

(3) Purchase or otherwise acquire additional lands or interests in lands which are deemed necessary for the project and finance the acquisition by the issuance and sale of general

obligation bonds.

(4) Transfer, assign and set over to the corporation, partnership, association or person any contract which has been awarded for the project or projects.

(5) Make payments to the corporation, partnership, association or person out of its or their general funds or out of any other available funds including proceeds of insurance on school property, the proceeds of bonds of the school district or districts issued for building purposes and not so used and moneys set aside or otherwise available for building purposes. The proceeds of any general obligation bonds heretofore or hereafter issued by a school district shall be used by the corporation, partnership, association or person for the purpose or purposes for which the bonds were issued and if the bonds were issued pursuant to a vote of the electors the appropriation of the proceeds shall not be deemed such a change of purpose from that for which the bonds were authorized as require the question to be again submitted to a vote of the electors under any existing law.

(6) In case of joint leases, agree, subject to the approval of the Department of Public Instruction, on the manner of sharing between the school districts the rental or rentals and any other sums payable to the corporation, partnership, association or person and the costs and expenses of insuring, operating, maintaining and repairing the school property leased.

(7) Make all other contracts or agreements with the corporation, partnership, association or person or with other school districts deemed necessary or convenient in connection with the project.

(b) In all cases where the board of directors of any school district fails to pay or to provide for the payment of any rental or rentals due any corporation, partnership, association or person for any period in accordance with the terms of any lease entered into under the provisions of this section, the Superintendent of Public Instruction shall notify the board of its obligation and shall withhold out of any State appropriation due the school district an amount equal to the amount of rental or rentals owing by the school district to the corporation, partnership, association or person and shall pay over the amount withheld to the corporation, partnership, association or person in payment of the rental.

(791 added Jul. 11, 1957, P.L.775, No.373)

ARTICLE VIII.
BOOKS, FURNITURE AND SUPPLIES.

Section 801. Purchases; Use in Schools; Rules and Regulations.--The board of school directors of each school district shall purchase all necessary furniture, equipment, textbooks, school supplies, and other appliances for the use of the public schools, or any department thereof, in their respective districts, and furnish the same free of cost for use in the schools of the district, subject to such rules and regulations regarding the use and safe-keeping thereof as the board of school directors may adopt. All furniture, equipment, books, school supplies, and other appliances purchased by the board of school directors of any school district, for the use of the public schools therein, shall be purchased in the manner provided in this act.

Section 802. Period of Use of Textbooks.--(802 repealed Sep.

11, 1959, P.L.869, No.346)

Section 803. Time and Manner of Adopting and Furnishing Textbooks and Supplementary Books.--All school textbooks, in school districts of the second, third and fourth class, shall be adopted by the board of school directors at any regular meeting between the first day of April and the first day of August following. Such books, so adopted, shall be provided for the use of the schools at the beginning of the school terms next following. If in said school districts there shall be a district superintendent, such district superintendent shall report in which subjects new textbooks are needed, and after consultation with the teachers under his supervision, what textbooks should be adopted or changed. No adoption or change of textbooks shall be made without his recommendation, except by a two-thirds vote of the board. Books, supplementary to textbocks regularly adopted, may be adopted and purchased for use in the schools at any time. Such supplementary books shall be adopted in the same manner as textbooks are herein required to be adopted.

(803 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 804. Use of School Books During Vacations.--The board of school directors in any district may allow any pupil in such district the use of school books during vacations, under such rules and regulations as it may adopt.

Section 805. Classes of School Supplies; Purchasing Agent.--(805 repealed Jul. 31, 1968, P.L.796, No.242)

Section 806. Purchase of Supplies of the First Class, Costing $100 or More.--(806 repealed Jul. 31, 1968, P.L.796, No.242)

Section 807. Purchase of Supplies of the Second Class, Costing $300 or More.--(807 repealed Jul. 31, 1968, P.L.796, No.242)

Section 807.1. Purchase of Supplies.--All furniture, equipment, textbooks, school supplies and other appliances for the use of the public schools, costing two thousand five hundred dollars ($2,500) or more shall be purchased by the board of school directors only after due advertisement as hereinafter provided. Supplies costing two thousand five hundred dollars ($2,500) or more shall be purchased by the board of school directors only after public notice has been given by advertisement once a week for three (3) weeks in not less than two (2) newspapers of general circulation. In any district where no newspaper is published, said notice may, in lieu of such publication, be posted in at least five (5) public places.

The board of school directors shall accept the bid of the lowest responsible bidder, kind, quality, and material being equal, but shall have the right to reject any and all bids, or select a single item from any bid. The board of school directors in any district may authorize or appoint the secretary of the board or other executive as purchasing agent for the district, with authority to purchase supplies costing less than two thousand five hundred dollars ($2,500).

The following shall be exempt from the above provisions: maps, music, globes, charts, educational films, filmstrips, prepared transparencies and slides, pre-recorded magnetic tapes and disc recordings, textbooks, games, toys, prepared kits, flannel board materials, flash cards, models, projectuals and teacher demonstration devices necessary for school use.

(807.1 amended Oct. 4, 1978, P.L. , No.236)

Section 808. Employe of District as Agent.--No person shall

act as agent for school books or school supplies, in any district in which he is engaged or employed as a superintendent, teacher, or employe of the school district in any capacity, or in which he was thus employed during the preceding school year.

Section 809. Giving or Offering Bribes; Penalty.--Every person, firm, association, or corporation that shall directly or indirectly, individually or through an agent or representative, give or promise to give to any school director, officer of any school board, superintendent, teacher, or any other person, any sum of money or other valuable thing, or shall make any promise of any appointment or position, in order to secure, procure, or influence the recommendation, adoption, rejection, or purchase of any books, school furniture, or supplies, by any superintendent, teacher, or school district in this Commonwealth, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars ($5) or more than five hundred dollars ($500), or be sentenced to imprisonment in the county jail for not less than thirty (30) days or more than one (1) year, either or both, at the discretion of the court.

Section 810. Seeking or Receiving Bribes; Penalty.--Any school director, officer, superintendent, supervising principal, or teacher, who shall ask for or accept money or other valuable thing for his vote, recommendation, or influence, in order to secure the recommendation, adoption, rejection, or purchase of any school books, school furniture, or other school supplies, from any person, firm, association, or corporation, or any agent or representative thereof, either directly or indirectly, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars ($5) or more than five hundred dollars ($500), or to be sentenced to imprisonment in the county jail for not less than thirty (30) days or more than one (1) year, either or both, at the discretion of the court.

ARTICLE IX.
SCHOOL DIRECTORS' ASSOCIATIONS AND COUNTY BOARDS OF SCHOOL DIRECTORS.

(a) School Directors' Associations.

Section 901. Conventions and Special Meetings.--(901 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 902. Notice and Place of Convention.--(902 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 903. Expenses at Annual Conventions and Special Meetings.--(903 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 904. Officers.--(904 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 905. Executive Committee.--(905 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 906. Auditors.--(906 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 907. Ex-officio Members of Executive Committee.--(907 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 908. Payment of Expenses by County.--(908 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(b) County Boards of School Directors.

Section 921. Election; Vacancies; Qualifications; Removals.--(921 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 922. Election of Officers.--(922 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 923. Meetings; Filling of Vacancies.--(923 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 924. Expenses of Members; Telephone, etc., Services.--(924 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 925. Powers and Duties.--(925 (a) to (e) repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 926. Chief Executive Officer; Powers and Duties.--(926 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 927. Audits.--(927 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 928. Bond of Treasurer.--(928 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 929. Compensation of the Secretary and Treasurer.--(929 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 930. Professional and Temporary Professional Employes.--(930 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

ARTICLE IX-A.
INTERMEDIATE UNITS. (Hdg. added May 4, 1970, P.L.311, No.102)

Section 901-A. Establishment of Intermediate Units.--Each school district of the Commonwealth shall be assigned to an intermediate unit, and shall be entitled to the services of an intermediate unit in accordance with a program of services adopted by the intermediate unit board of directors. The arrangement of the school districts of the Commonwealth into intermediate units shall reflect consideration of (i) the number of public school children enrolled in kindergarten through grade twelve, (ii) ease of travel within each intermediate unit, and (iii) the opportunity to provide adequate basic services. Intermediate units shall be part of the public school system of this Commonwealth, and shall become operative on July 1, 1971.

(901-A added May 4, 1970, P.L.311, No.102)

Section 902-A. Arrangement of School Districts Into Intermediate Units.-- The school districts are arranged in intermediate units as follows:

Intermediate Unit No. 1: Albert Gallatin Area, Frazier, Brownsville Area, Connellsville Area, Laurel Highlands, Uniontown Area, West Greene, Central Greene, Jefferson Morgan, Carmichaels Area, Southeastern Greene, Fort Cherry, Burgettstown Area, Avella Area, McGuffey, Canon McMillan, Chartiers Houston, Peters Township, Trinity Area, Washington, Ringgold, Charleroi Area, Bethlehem Center, California Area and Bentworth.

Intermediate Unit No. 2: Pittsburgh City.

Intermediate Unit No 3: North Allegheny, Quaker Valley, Avalon Borough, North Hills, Avonworth, Bellevue Borough, Babcock, Hampton Township, Braddock Borough, Allegheny Valley, Braddock Hills Borough, Highlands Merged, Plum Borough, Gateway, Churchill Area, Wilkinsburg Borough, East Allegheny, Coraopolis Borough, McKeesport Area, West Mifflin Area Union, South Allegheny, East Deer Frazer Union, Elizabeth Forward, East Pittsburgh Borough, Clairton City, Edgewood Borough, West Jefferson Hills Union, Baldwin Whitehall, Mt. Lebanon Township, Etna Borough, Upper St. Clair Township, Bethel Park, Chartiers Valley, Keystone Oaks, Fox Chapel Union, Montour, Carlynton, Sto Rox, West Allegheny, Homestead Borough, Duquesne City, Brentwood Borough, South Park, South Fayette Township, Millvale Borough,

Moon Union, Munhall Borough, Neville Township, North Braddock Borough, Oakmont Borough, Penn Hills Township, Rankin Borough, Reserve Township, Shaler Township, Sharpsburg Borough, Swissvale Borough, Turtle Creek Borough, Verona Borough, West Deer Township and West Homestead Borough.

Intermediate Unit No. 4: Slippery Rock Area, Butler Area, Southwest Butler County, Mars Area, Bruin Borough, South Butler County, Chicora Borough, Clay Township, Donegal Township, Fairview Township, Karns City Borough, Moniteau Merged, Parker Township, Perry Township, Petrolia Borough, West Sunbury Borough, Ellwood City Area, Laurel, Mohawk Area, Neshannock Township, New Castle Area, Shenango Area, Union Area, Wilmington Area, Jamestown Area, Commodore Perry, Mercer Area, Greenville Area, West Middlesex Area, Grove City Area, Lakeview, Sharon City, Hickory Township, Reynolds, Sharpsville Area and Farrell Area.

Intermediate Unit No. 5: Blooming Valley Borough, Cambridge Springs Borough, Cambridge Township, Cochranton Borough, Conneaut Lake Borough, Conneaut Valley Merged, Cussewago Township, East Fairfield Township, East Fallowfield Township, Fairfield Township, French Creek Township, Greenwood Township, Hayfield Township, Linesville Conneaut Merged, Meadville Area Union, North Shenango Township, Randolph East Mead Merged, Richmond Township, Rockdale Township, Sadsbury Township, Saegerwood Merged, Sparta Merged, Steuben Township, Summit Township, Townville Area Merged, Venango Borough, Venango Township, Wayne Township, West Fallowfield Township, Woodcock Borough, Erie City, Mill Creek Township, Amity Township, Bloomfield Township, Columbus Township, Concord Township, Corry City, Edinboro Area Union, Elgin Borough, Fairview Union, Fort Leboeuf Merged, Girard Union, Greene Township, Greenfield Township, Harbor Creek Township, Iroquois Area Merged, McKean Union, North East Borough, North East Township, Northwestern Union, Spring Creek Township, Union City Borough, Union Township, Venango Township, Wattsburg Borough, Wayne Township, and Warren County.

Intermediate Unit No. 6: Allegheny Clarion Valley, Clarion Area, Clarion Limestone Area, Keystone, North Clarion County, Redbank Valley, Union, Dubois Area, Forest Area, Brockway Area, Brookville Area, Punxsutawney Area, Oil City Area, Franklin Area, Cranberry Area, Valley Grove, Allegheny Township, Oilcreek Township, Pleasantville Borough and Titusville Area.

Intermediate Unit No. 7: Burrell, Kiski Area, Franklin Regional, Derry Area, Greater Latrobe, Mount Pleasant Area, Ligonier Valley, Hempfield Area, Greensburg Salem, Yough, Monessen City, Belle Vernon Area, Jeannette City, Norwin, Penn Trafford, Southmoreland and New Kensington Arnold.

Intermediate Unit No. 8: Bedford Area, Chestnut Ridge, Everett Area, Northern Bedford County, Tussey Mountain, Tyrone Area, Bellwood Antis, Altoona Area, Williamsburg Community, Hollidaysburg Area, Claysburg Kimmel, Spring Cove, Northern Cambria, Cambria Heights, Penn Cambria, Portage Area, Forest Hills, Blacklick Valley, Conemaugh Valley Area, Richland, Ferndale Area, Westmont Hilltop, Central Cambria, Greater Johnstown, Berlin Area Merged, Boswell Borough, Brothersvalley Township, Conemaugh Township Union, Elk Lick Township, Fairhope Township, Greenville Township, Hooversville Borough, Jennerstown Area Merged, Meyersdale Area Union, Quemahoning Township, Rockwood Area Merged, Salisbury Borough, Shade Central City

Union, Shanksville Borough, Somerset Area Merged, Stonycreek Township, Stoystown Borough, Turkeyfoot Valley Area Union and Windber Area Merged.

Intermediate Unit No. 9: Cameron County, Johnsonburg Area, Ridgway Area, St. Marys Area, Bradford Area, Otto Eldred, Port Allegany Smethport Area, Kane Area, Oswayo Valley, Northern Potter, Coudersport Area, Galeton Area and Austin Area.

Intermediate Unit No. 10: Bald Eagle Area, Bellefonte Area, State College Area, Penns Valley Area, West Branch Area, Moshannon Valley, Harmony, Curwensville Area, Clearfield Area, Philipsburg Osceola Area, Glendale Allison Township, Bald Eagle Township, Beech Creek Borough, Beech Creek Township, Castanea Township, Chapman Township, Colebrook Township, Curtin Township, Dunnstable Township, East Keating Township, Flemington Borough, Gallagher Township, Greene Township, Grugan Township, Lamar Township, Leidy Township, Liberty Township, Lock Haven City, Logan Township, Loganton Borough, Mill Hall Borough, Noyes Township, Pine Creek Township, Porter Township, Renovo Borough, Stewardson Township, South Renovo Borough, Wayne Township and Woodward Township.

Intermediate Unit No. 11: Southern Fulton, Central Fulton, Forbes Road, Juniata Valley, Huntingdon Area, Mount Union Area, Southern Huntingdon County, Juniata County and Mifflin County.

Intermediate Unit No. 12: Bermudian Springs Merged, Conewago Township, Cumberland Township, East Berlin Borough, Fairfield Area Merged, Franklin Township, Germany Township, Gettysburg Area Merged, Latimore Township, Littlestown Borough, McSherrystown Borough, Mount Joy Independent, Mount Pleasant Township, New Oxford Area Merged, Union Township, Upper Adams Merged, Central York Dallastown Area, Dover Area, Eastern York, Northeastern, Red Lion Area, South Eastern, Southern York County, South Western, Spring Grove Area, West York Area, York City, York Suburban, Hanover Borough, Chambersburg Area, Waynesboro Area, Tuscarora, Greencastle Antrim and Fannett Metal.

Intermediate Unit No. 13: Cocalico, Conestoga Valley, Donegal, Eastern Lancaster County, Elizabethtown Area, Ephrata Area, Lampeter Strasburg, Columbia Borough, Manheim Central, Manheim Township, Penn Manor, Pequea Valley, Solanco, Warwick, Hempfield Union, Lancaster City, Lancaster Township, Palmyra Area, Annville Cleona, Cornwall Lebanon, Eastern Lebanon County, Northern Lebanon and Lebanon.

Intermediate Unit No. 14: Boyertown Area, Brandywine Heights Area, Conrad Weiser Area, Daniel Boone Area, Exeter Township, Fleetwood Area, Governor Mifflin, Hamburg Area, Kutztown Area, Antietam, Muhlenberg Township, Oley Valley, Reading City, Schuylkill Valley, Tulpehocken Area, Twin Valley, West Reading Borough, Wilson and Wyomissing Area.

Intermediate Unit No. 15: Big Spring, Camp Hill, Carlisle Area, Cumberland Valley, East Pennsboro Area, Mechanicsburg Area, Shippensburg Area, South Middleton, West Shore, Upper Dauphin Area, Millersburg Area, Middletown Area, Central Dauphin, Lower Dauphin, Steelton Highspire, Halifax Area, Susquehanna Township, Derry Township, Harrisburg City, West Perry, Susquenita, Newport, Greenwood and Northern York County.

Intermediate Unit No. 16: Benton Area, Berwick Area, Bloomsburg Area, Central Columbia, Millville Area, Southern Columbia Area, Danville Area, Warrior Run, Milton Area, Shikellamy, Line Mountain, Shamokin Area, Mount Carmel Area,

Adams Township, Beavertown Borough, Center Township, Chapman Township, Franklin Township, Freeburg Borough, Jackson Township, Middleburg Borough, Middlecreek Township, Monroe Township, Penn Township, Perry Township, Selinsgrove Borough, Shamokin Dam Borough, Spring Township, Union Township, Washington Township, West Beaver Township, West Perry Township, Lewisburg Area and Mifflinburg Area.

Intermediate Unit No. 17: Towanda Area, Northeast Bradford, Wyalusing Area, Canton, Troy Area, Athens Area, Sayre Area, East Lycoming, Muncy, Montgomery Area, Montoursville Area, South Williamsport Area, Williamsport Area, Jersey Shore Area, Loyalsock Township, Sullivan County, Northern Tioga, Southern Tioga and Wellsboro Area.

Intermediate Unit No. 18: Ashley Borough, Northwest Area, Lake Lehman, Bear Creek Township, Dallas, Wyoming Area, Buck Township, Pittston Area, Wyoming Valley West, Greater Nanticoke Area, Hazleton Area, Dennison Township, Dorrance Township, Fairview Township, Hanover Township, Laflin Borough, Laurel Run Borough, Nuangola Borough, Plains Township, Rice Township, Slocum Township, Sugar Notch Borough, Warrior Run Borough, White Haven Borough, Wilkes Barre City, Wilkes Barre Township, Wright Township and Tunkhannock Area.

Intermediate Unit No. 19: Scranton City, Abington Heights, Dunmore Borough, Archbald Borough, Riverside, North Pocono, Blakely Borough, Old Forge Borough, Carbondale City, Carbondale Township, Dickson City Borough, Fell Township, Greenfield Township, Jermyn Borough, Jessup Borough, Mayfield Borough, Olyphant Borough, Scott Township, Throop Borough, Blue Ridge, Elk Lake, Forest City Regional, Montrose Area, Mountain View, Susquehanna Community, Blooming Grove Township, Buckingham Township, Canaan Township, Clinton Township, Damascus Township, Dreher Township, Greene Township, Hawley Borough, Honesdale Union, Lackawaxen Township, Lake Township, Manchester Township, Palmyra Township, Palmyra Township Pike, Paupack Township, Preston Township, South Canaan Township, Salem Township, Scott Township, Sterling Township, Waymart Borough, White Mills Independent and Lackawanna Trail.

Intermediate Unit No. 20: Pleasant Valley, Pocono Mountain, East Stroudsburg Area, Stroudsburg Area, Bangor Area, Pen Argyl Area, Nazareth Area, Northampton Area, Saucon Valley, Bethlehem Area, Easton City, Forks Township, Lower Mt. Bethel Independent, Palmer Township, Riegelsville Borough, Williams Township, Wilson Borough Union and Delaware Valley.

Intermediate Unit No. 21: Palmerton Area, Lehighton Area, Jim Thorpe Area, Panther Valley, Weatherly Area, Allentown City, Catasauqua, East Penn, Northern Lehigh, Northwestern Lehigh, Parkland, Salisbury Township, Southern Lehigh and Whitehall Coplay.

Intermediate Unit No. 22: Palisades, Quakertown Community, Pennridge, Central Bucks, Council Rock, Centennial, Neshaminy, Pennsbury, Morrisville Borough, Bristol Township, Bristol Borough, Bensalem Township and New Hope Solebury.

Intermediate Unit No. 23: Upper Moreland Township, Abington, Jenkintown, Bryn Athyn Borough, Cheltenham Township, Springfield Township, Collegeville Borough, Lower Merion, Colonial Wissahickon, Upper Dublin, Hatboro Horsham, North Penn, Norristown Area, Upper Merion Area, Spring Ford Area, Souderton Area, Upper Perkiomen, Pottstown, Pottsgrove, Lower Moreland Township, Lower Providence Township, Schwenksville Union,

Skippack Township, Trappe Borough and Worcester Township.

Intermediate Unit No. 24: Owen J. Roberts, Oxford Area, Phoenixville Area, Downingtown Area, Coatesville Area, Octorara Area, Charlestown Township, West Chester Area, Unionville Chadds Ford, Kennett Consolidated, Avon Grove, East Whiteland Township, Easttown Township, Malvern Borough, Tredyffrin Township and Willistown Township.

Intermediate Unit No. 25: Radnor Township, Aldan Borough, Haverford Township, Bethel Township, Ridley, Marple Newtown, Rose Tree Media, Chester Heights Borough, Chester City, Chichester, Chester Township, Clifton Heights Borough, Collingdale Borough, Colwyn Borough, Concord Township, Darby Borough, Darby Township, East Lansdowne Borough, Folcroft Borough, Glenolden Borough, Lansdowne Borough, Millbourne Borough, Morton Borough, Nether Providence Township, Norwood Borough, Penn Delco Union, Prospect Park Borough, Sharon Hill Borough, Springfield Township, Swarthmore Rutledge Union, Tinicum Township, Upland Borough, Upper Darby Township and Yeadon Borough.

Intermediate Unit No. 26: Philadelphia City.

Intermediate Unit No. 27: Ambridge Area Merged, Baden Economy Union, Beaver Area, Western Beaver County Area, Midland Borough, Beaver Falls Area, Aliquippa Borough, Big Beaver Borough, Center Township, Freedom Area, Chippewa Township, Rochester Area, New Brighton Area, Northeastern Beaver County, Darlington Borough, Darlington Township, Enon Valley Borough, Frankfort Springs Borough, Georgetown Borough, Greene Township, Hanover Township, Harmony Township, Homewood Borough, Hookstown Borough, Hopewell Township, Independence Township, Koppel Borough, Monaca Borough, New Galilee Borough, Patterson Heights Borough, Patterson Township, Potter Township, Raccoon Township, Shippingport Borough, South Beaver Township, West Mayfield Borough.

Intermediate Unit No. 28: Armstrong, Apollo Borough, Buffalo Township, Freeport Borough, Kiskiminetas Township, Leechburg Union, North Apollo Borough, South Buffalo Township, United, Blairsville, Saltsburg, Homer Center, Penns Manor Area, Indiana Area, Purchase Line, Marion Center Area, Jacksonville Borough, West Lebanon Independent, and Young Township.

Intermediate Unit No. 29: Pine Grove Area, Williams Valley, Tri Valley, Blue Mountain, Schuylkill Haven Area, Minersville Area, Pottsville Area, Saint Clair Area, North Schuylkill, Mahanoy Area, Tamaqua Area, Shenandcah Valley.

(902-A added May 4, 1970, P.L.311, No.102)

Section 903-A. Transfer of Membership.--Any school district may apply for transfer from one intermediate unit to another intermediate unit with which its boundaries are contiguous by submitting a written request for such transfer to the State Board of Education, along with reasons for requesting such transfer and with the written approval or disapproval of all school districts within the intermediate unit of which the school district is a member and all school districts within the intermediate unit to which it wishes to transfer. If the State Board of Education approves the transfer, it shall be effective the following July 1. In no event shall a transfer be made without the approval of all the school districts within all intermediate units involved in said transfer.

(903-A added May 4, 1970, P.L.311, No.102)

Section 904-A. Merger of Intermediate Units.--Two or more intermediate units may, with the approval of a majority of the

members of each intermediate unit board of directors and all school districts within each intermediate unit, submit a written request to the State Board of Education for consolidation. If the State Board of Education approves such consolidation, it shall be effective the following July 1.

(904-A added May 4, 1970, P.L.311, No.102)

Section 905-A. Regulations.--The State Board of Education shall adopt such regulations as it deems necessary to guide the organization and operation of intermediate units and to provide procedures for amendment of the State plan of intermediate units.

(905-A added May 4, 1970, P.L.311, No.102)

Section 906-A. Program of Services.--From July 1, 1971 to June 30, 1972, intermediate units shall provide essential services formerly provided by county boards of school directors, collect and analyze informational data and adopt the program of services to be provided by the intermediate unit. On or before May 1, 1971, and annually thereafter, each intermediate unit shall submit a program of services for the next school year to the Superintendent of Public Instruction for budgetary approval. Such program of services shall be developed and submitted in accordance with law, as hereinafter provided.

(906-A added May 4, 1970, P.L.311, No.102)

Section 907-A. Subsidies for Services.--Intermediate units shall receive subsidies from the Commonwealth as herein provided only for services performed pursuant to and authorized by law, as hereinafter provided. Nothing contained herein shall prohibit intermediate units from receiving funds from school districts and other sources including nonpublic nonprofit schools and expending such funds to provide additional services not included in the approved program of services.

(907-A added May 4, 1970, P.L.311, No.102)

Section 908-A. Special Pupil Services.--All powers and duties of county boards of school directors with respect to special pupil services are hereby transferred to intermediate unit boards of directors, effective July 1, 1971, and all Commonwealth payments theretofore paid to county boards of school directors on account of special pupil services shall thereafter be paid to intermediate unit boards of directors.

(908-A added May 4, 1970, P.L.311, No.102)

Section 909-A. Vocational-Technical Education.--All powers and duties of county boards of school directors with respect to vocational-technical education are hereby transferred to intermediate unit boards of directors, effective July 1, 1971; and all Commonwealth payments theretofore paid to county boards of school directors on account of vocational-technical education shall thereafter be paid to intermediate unit boards of directors.

(909-A added May 4, 1970, P.L.311, No.102)

Section 910-A. Intermediate Unit Board of Directors.--(a) Each intermediate unit board of directors shall be composed of thirteen members, chosen for terms of three years from among members of the boards of school directors of school districts comprising the intermediate unit. An intermediate unit director may succeed himself without limitation as to the number of terms. Unless there are fewer than thirteen school districts in an intermediate unit, at no time shall more than one director from any school district be elected to an intermediate unit board of directors. Where there are fewer than thirteen school

districts within an intermediate unit, there shall be at least one school director from each school district elected to the intermediate unit board of directors. The election of intermediate unit boards of directors shall be by proportionate ballot, and each school director of each school district within an intermediate unit shall be entitled to cast votes determined by dividing the weighted average daily membership of the school district by the total weighted average daily membership within the intermediate unit, multiplying the quotient so obtained by one thousand, dividing the product so obtained by thirteen, and rounding such dividend to the nearest whole number: Provided, however, That each school director shall have at least one vote. The Secretary of Education shall annually, not later than the first day of February, certify the weighted average daily membership for the previous school year for each school district and for each intermediate unit, and shall compute the number of votes to which each school director of each school district within an intermediate unit shall be entitled.

(b) Except for the initial election, directors shall be elected annually in April by convention of the school directors of the school districts comprising an intermediate unit as follows: five every third year, four each other year. Intermediate unit boards of directors shall organize annually in July.

(c) The initial election of directors shall be held between the effective date of this act and January 15, 1971; and thirteen directors shall be elected for terms to begin on January 15, 1971, to expire for four directors on June 30, 1972, for four directors on June 30, 1973 and for five directors on June 30, 1974. From the date of election to July 1, 1971 the directors elected initially shall serve as intermediate unit planning committees to plan for the operations of intermediate units commencing July 1, 1971.

(d) Vacancies on an intermediate unit board of directors shall be filled by appointment by majority vote of the remaining intermediate unit directors. A director so appointed shall serve until the annual convention, at which time the convention shall elect a director to serve the unexpired portion of the term. An intermediate unit director elected to fill a vacancy may succeed himself without limitations as to the number of terms. Vacancies shall occur upon the death, resignation, or removal of an intermediate unit director, or when he no longer holds office as a school director. In the event vacancies exist or occur in the membership of all of the members of an intermediate unit board of directors, a special convention, called by the Secretary of Education, shall be held of school directors of the school districts comprising the intermediate unit for the purpose of electing directors to fill the vacancies.

(e) Any member of an intermediate unit board of directors may be removed in the same manner and for the same cause as provided by law for removal of members of boards of school directors.

(f) Elections of intermediate unit directors and the organization of intermediate unit boards of directors shall be conducted in accordance with regulations adopted by the State Board of Education.

(g) In the case of an intermediate unit comprised of a single school district, the board of education of the school district shall be the intermediate unit board of directors.

(910-A amended Apr. 24, 1978, P.L. , No.33)

Section 911-A. Annual Conventions.--The executive director of each intermediate unit shall call a convention to be held annually in April for the purpose of electing members to the intermediate unit board of directors, approval of the budget of the intermediate unit by a majority of votes of the directors present and voting and for the consideration and discussion of matters pertaining to the improvement of education in the public schools within the intermediate unit and such other business as may properly come before the convention. The executive director shall at least one week prior to such annual convention furnish each director of each district comprising the unit with a printed copy of the budget proposed for adoption. In addition, the intermediate unit board of directors may call into special convention the school directors of all school districts within an intermediate unit at any time for the consideration of business which may properly come before a special convention. On petition of a majority of the school directors of all school districts within the unit for a special convention for a stated purpose relating to proper business of the intermediate unit, the intermediate unit board of directors shall call into special convention the school directors of all school districts within the unit for consideration of such stated purpose. Notice to each such district director shall be given at least five days prior to such special convention.

(911-A added May 4, 1970, P.L.311, No.102)

Section 912-A. Election of Officers.--(a) During the month of July, 1971, each intermediate unit board of directors shall elect a president and a vice president from among its members, a secretary and a treasurer, who need not be members. The treasurer may be any corporation duly qualified and legally authorized to transact a fiduciary business in the Commonwealth.

(b) Before entering upon his duties, the treasurer shall furnish a bond in an amount and with surety or sureties as the intermediate unit board of directors shall approve, conditioned upon the faithful performance of his duties. The cost of the bond shall be paid out of the funds of the intermediate unit. No bond shall be required where a bank or trust company serves as treasurer.

(c) Not later than January 15, 1971, each intermediate unit planning committee shall elect officers in the manner provided herein, to serve until the election of officers in July, 1971.

(912-A added May 4, 1970, P.L.311, No.102)

Section 913-A. Staff.--(a) The staff of an intermediate unit shall consist of an executive director and such assistant executive directors, program specialists, and other personnel as the intermediate unit board of directors deems necessary to employ. In the case of an intermediate unit comprised of a single school district, the district superintendent shall serve as executive director of the intermediate unit. His salary shall not be charged to the intermediate unit budget; and, the salary of his assistants shall be charged to the intermediate unit budget only to the extent that such assistants are engaged in providing approved intermediate unit services as determined by the executive director.

(b) An executive director shall be appointed by each intermediate unit board of directors for a term of four years: Provided, That the initial term shall commence July 1, 1971 and terminate June 30, 1974: And, provided further, however, That

each intermediate unit planning committee may employ an executive director-elect to serve prior to July 1, 1971. An executive director shall hold a commission issued by the Superintendent of Public Instruction, in accordance with regulations adopted by the State Board of Education.

(c) Assistant executive directors may be appointed by each intermediate unit board of directors upon recommendation of the executive director for a term of four years: Provided, That the initial term shall commence July 1, 1971, and terminate June 30, 1974: And provided further, however, That each intermediate unit planning committee may employ assistant executive directors-elect upon recommendation of the executive director-elect to serve prior to July 1, 1971. An assistant executive director shall hold a commission issued by the Superintendent of Public Instruction, in accordance with regulations adopted by the State Board of Education.

(d) All persons holding a commission for the office of county superintendent or assistant county superintendent valid for the term of office beginning July 1966, shall be eligible for election to the office of executive director or assistant executive director in 1971, and, if elected to either office, shall remain eligible for election or reelection to either office thereafter.

(e) All professional and temporary professional employes of an intermediate unit shall have the same rights of tenure, minimum salaries and increments, leaves of absence because of illness, professional study or physical disability, sabbatical leaves, military leaves and exchange teacher leaves as professional and temporary professional employes of school districts.

(f) Program specialists shall satisfy minimum qualifications adopted by the State Board of Education.

(g) All employes of an intermediate unit shall be eligible for and become members of the Public School Employes' Retirement System of Pennsylvania, except that members of the State Employes' Retirement System may elect to remain members of such retirement system.

(h) All persons employed by an intermediate unit prior to July 1, 1971, other than the executive director and assistant executive directors, shall be selected, as the need arises, and to the extent such persons are available, from among those persons who, on the effective date of this act, are employed by or assigned to the offices of the county boards of school directors replaced by the intermediate unit. Position placement and salaries shall be determined by an intermediate unit board of directors upon recommendation of the executive director, who shall be guided by the program of services to be offered by the intermediate unit.

(913-A added May 4, 1970, P.L.311, No.102)

Section 914-A. Powers and Duties of the Intermediate Unit Board of Directors.--An intermediate unit board of directors shall have the power and its duty shall be:

(1) To appoint an executive director and determine his salary.

(2) To appoint assistant executive directors upon recommendation of the executive director and determine their salaries.

(3) To approve professional staff appointments made by the executive director.

(4) To adopt employment policies for nonprofessional staff.

(5) To adopt a program of services. Each intermediate unit may provide, but shall, except as hereinafter provided, be limited to, the following services: (i) curriculum development and instructional improvement services; (ii) educational planning services; (iii) instructional materials services; (iv) continuing professional education services; (v) pupil personnel services; (vi) State and Federal agency liaison services; and (vii) management services. Each additional service to be provided shall be first approved by a majority of all the boards of school directors comprising the intermediate unit at a meeting called by the intermediate unit board of directors for the express purpose of approving or disapproving any such additional service. Each intermediate unit may provide for the furnishing of any of the services mentioned in this clause or elsewhere in this act to nonpublic, nonprofit schools which schools are hereby authorized to contract for and purchase services from intermediate units so as to participate in the intermediate program.

(6) To adopt and advertise the intermediate unit budget. The budget shall be approved by (i) at least a majority of the school districts comprising the intermediate unit; and (ii) at least a majority of the proportionate votes of all school directors present and voting in convention, and shall be filed annually with the Superintendent of Public Instruction and advertised or notice thereof given to the public in each of its component school districts as required of local school district budgets by section 687 of this act on or before the first day of May. Budgeted expenditures shall be those expenditures classified as current expenses, capital outlays, debt redemptions and outgoing transfers according to the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems and amendments and supplements thereto published by the Department of Public Instruction.

(7) To provide for and conduct programs of services authorized by the State Board of Education, including services performed under contract with component school districts. Except as otherwise provided by law, all powers and duties of county boards of school directors in regard to classes and schools for exceptional children, educational broadcasting, audio-visual libraries, instructional materials centers, area technical schools and area vocational-technical schools are hereby transferred to and conferred upon intermediate unit boards of directors. An intermediate unit may contract with school districts to provide services on behalf of the intermediate unit.

(8) To contract for specialized services.

(9) To receive Federal, State, school district and other moneys and expend the same to conduct programs of services.

(10) To designate one or more banks or bank and trust companies as a depository or depositories for its funds. Each such depository shall furnish a bond or collateral in lieu thereof as is provided in the case of depositories of school funds.

(11) To lease land, buildings and equipment.

(12) To employ a solicitor for such purposes as may be required and fix his compensation.

(13) To select a name for the intermediate unit, which shall be filed with and approved by the Superintendent of Public

Instruction.

(14) To consolidate and let combined bids for bulk purchases.

(15) To perform such other duties as may be required by regulation of the State Board of Education.

(16) To prepare and submit to the State Board for Vocational Education proposals for arranging school districts of the intermediate unit into area vocational-technical attendance areas or any revisions thereof. A school district in an adjacent intermediate unit may be included in such proposed attendance area with the concurring approval of the board of school directors of the school district and the intermediate unit to which it belongs. ((16) added Dec. 6, 1972, P.L.1417, No.308)

(914-A added May 4, 1970, P.L.311, No.102)

Section 915-A. Powers and Duties of Executive Director.--The executive director of an intermediate unit shall have the power and his duty shall be:

(1) To administer the intermediate unit program of services.

(2) To appoint professional staff subject to the approval of the intermediate unit board of directors.

(3) To employ nonprofessional staff in accordance with employment policies of the intermediate unit board of directors.

(4) To prepare the budget for adoption by the intermediate unit board of directors.

(5) To direct expenditures of funds within the budget or other authorizations of the intermediate unit board of directors.

(6) To appoint such advisory groups as will assist the staff in providing programs of services for school districts.

(7) To provide the Superintendent of Public Instruction with information, reports and services.

(8) To perform such other duties as may be required by the intermediate unit board of directors and the regulations of the State Board of Education.

(915-A added May 4, 1970, P.L.311, No.102)

Section 916-A. Intermediate Unit Council.--Each intermediate unit shall have an Intermediate Unit Council composed of all chief school administrators within the intermediate unit, to be advisory to the executive director.

The executive director of the intermediate unit shall serve as chairman of the Intermediate Unit Council.

The Intermediate Unit Council shall meet at least five times each year and may meet at any other time upon the call of the executive director.

(916-A added May 4, 1970, P.L.311, No.102)

Section 917-A.1. Commonwealth Payments.--(a) For the school year 1977-1978 and each year thereafter the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty-five one hundredths of one percent (0.45%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available actual data.

(b) For the school year 1977-1978 and each school year thereafter, each intermediate unit shall be paid the amount it received from the Commonwealth for the 1976-1977 school year.

(c) In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for

the 1977-1978 school year and each year thereafter an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a) divided by the average daily membership (ADM) of all school districts in the Commonwealth multiplied by the average daily membership (ADM) of all component school districts in the intermediate unit, as determined by the Secretary of Education according to the latest actual data available.

(d) In January of each year, the Secretary of Education shall determine for each intermediate unit the amount to be received for the succeeding fiscal year.

(917-A.1 added Aug. 24, 1977, P.L. , No.59)

Section 917-A. Allocations.--(917-A repealed Aug. 24, 1977, P.L. , No.59)

Section 917.1-A. Commonwealth Payments.--(a) For the school year 1977-1978 and each year thereafter the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty-five one hundredths of one percent (0.45%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available actual data.

(b) For the school year 1977-1978 and each school year thereafter, each intermediate unit shall be paid the amount it received from the Commonwealth for the 1976-1977 school year.

(c) In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for the 1977-1978 school year and each year thereafter an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a) divided by the average daily membership (ADM) of all school districts in the Commonwealth multiplied by the average daily membership (ADM) of all component school districts in the intermediate unit, as determined by the Secretary of Education according to the latest actual data available.

(d) In January of each year, the Secretary of Education shall determine for each intermediate unit the amount to be received for the succeeding fiscal year.

(917.1-A added Aug. 24, 1977, P.L. , No.59)

Section 918-A. General Operating Subsidy.--(a) On or before the first day of May 1971, and annually thereafter, each intermediate unit shall submit to the Superintendent of Public Instruction for prior review and approval, a budget estimating the cost of operating and administering the intermediate unit program of services for the ensuing school year.

(b) In May 1971, and annually thereafter in May, the Superintendent of Public Instruction shall estimate the amount to be paid by the Commonwealth to each intermediate unit based upon approved budgets. In July 1971, and annually thereafter in July, the Commonwealth shall pay to each intermediate unit an advance payment equal to one-half of such estimated amount. In December 1971, the Commonwealth shall pay to each intermediate unit the balance of such estimated amount. In December 1972, and annually thereafter in December, the Commonwealth shall pay to each intermediate unit the balance of the State's share of the budget approved for such school year, less any State funds paid in the previous school year which were unexpended or unencumbered at the end of the previous school year.

(c) In computing approved budget expenditures, the Superintendent of Public Instruction shall not consider Federal payments and payments by the Commonwealth on behalf of the Federal Government.

(918-A added May 4, 1970, P.L.311, No.102)

Section 919-A.1. Capital Subsidy.--All leases for office space, classrooms, warehouse space and similar facilities shall be pre-approved by the Secretary of Education. For the 1977-1978 school year and each school year thereafter, in addition to any payments required under section 917-A.1, the Commonwealth shall allocate to the intermediate units on account of approved leases an amount to be determined as follows: by obtaining the product of the number of students in average daily membership (ADM) multiplied by the median actual instruction expense per weighted average daily membership of all the school districts, to be further multiplied by three one-hundredths of one percent (0.03%), based on the latest actual data available to the Secretary of Education.

The distribution to each intermediate unit shall be computed by applying the intermediate unit aid ratio to each approved lease payment. The aid ratio computed initially shall apply as a minimum for the duration of the lease: Provided, however, That no intermediate unit shall receive less on account of approved leases than it received for the 1976-1977 school year.

Where the allocations under this section do not satisfy lease reimbursement requirements, each intermediate unit shall receive a pro rata share of the amount determined by the above formula.

(919-A.1 added Aug. 24, 1977, P.I. , No.59)

Section 919-A. Capital Subsidy.--(919-A repealed Aug. 24, 1977, P.I. , No.59)

Section 919.1-A. Capital Subsidy.--All leases for office space, classrooms, warehouse space and similar facilities shall be pre-approved by the Secretary of Education. For the 1977-1978 school year and each school year thereafter, in addition to any payments required under section 917-A.1, the Commonwealth shall allocate to the intermediate units on account of approved leases an amount to be determined as follows: by obtaining the product of the number of students in average daily membership (ADM) multiplied by the median actual instruction expense per weighted average daily membership of all the school districts, to be further multiplied by three one-hundredths of one percent (0.03%), based on the latest actual data available to the Secretary of Education.

The distribution to each intermediate unit shall be computed by applying the intermediate unit aid ratio to each approved lease payment. The aid ratio computed initially shall apply as a minimum for the duration of the lease: Provided, however, That no intermediate unit shall receive less on account of approved leases than it received for the 1976-1977 school year.

Where the allocations under this section do not satisfy lease reimbursement requirements, each intermediate unit shall receive a pro rata share of the amount determined by the above formula.

(919.1-A added Aug. 24, 1977, P.L. , No.59)

Section 920-A. School District Payments.--(a) Where the approved budget exceeds the allocation to the intermediate unit, each school district within the intermediate unit shall contribute to the intermediate unit a share of the amount by which the budget exceeds the allocation, computed in the following manner: (1) Determine a weight factor for each school

district by multiplying the school district's weighted average daily membership by the difference between 1.0000 and the school district's aid ratio; (2) determine a value per weight factor for the intermediate unit by dividing the amount by which the budget exceeds the allocation by the total weight factors of all school districts comprising the intermediate unit; and (3) determine each school district's share by multiplying the value per weight factor by the weight factor of the school district.

(b) Less than a majority of the school districts comprising an intermediate unit may contract with the intermediate unit for services to be provided for the contracting school districts by the intermediate unit, with the cost of such services to be paid by the contracting school districts in such manner as they may agree upon.

(c) If a school district desires to independently provide a service that is included in the approved program of services to be offered by an intermediate unit, and the service is to be financed solely by the school district, and if the intermediate unit board of directors determines that the quality of such service is adequate and that such independent action will not adversely affect the service to be offered to the remaining districts by the intermediate unit, the intermediate unit board of directors may relieve the school district of payment for such service.

(d) Payments due from school districts to an intermediate unit shall be withheld by the Commonwealth from subsidies payable to school districts during November and paid to the intermediate unit not later than January 1 each year.

(920-A added May 4, 1970, P.L.311, No.102)

Section 921-A. Financial Reports.--An annual financial report shall be submitted to the Superintendent of Public Instruction by each intermediate unit not later than the first day of October, together with an auditor's report prepared by an independent auditor who shall be a certified public accountant or other competent public accountant.

(921-A added May 4, 1970, P.L.311, No.102)

Section 922-A. Auxiliary Services; Nonpublic School Children.--(922-A repealed Aug. 1, 1975, P.L.180, No.89)

Section 922.1-A. Auxiliary Services.--(a) Legislative Finding; Declaration of Policy. The welfare of the Commonwealth requires that the present and future generation of school age children be assured ample opportunity to develop to the fullest, their intellectual capacities. It is the intent of the General Assembly by this enactment to ensure that the intermediate units in the Commonwealth shall furnish on an equal basis auxiliary services to all pupils in the Commonwealth in both public and nonprofit nonpublic schools.

(b) Definitions. The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Auxiliary services" means guidance, counseling and testing services; psychological services; services for exceptional children; remedial services; speech and hearing services; services for the improvement of the educationally disadvantaged (such as, but not limited to, the teaching of English as a second language), and such other secular, neutral, nonideological services as are of benefit to all school children and are presently or hereafter provided for public school

children of the Commonwealth.

"Nonpublic school" means nonprofit school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meet the requirements of Title VI of the Civil Rights Act of 1964 (Pub.L.88-352; 42 U.S.C. Section 2000 et seq).

(c) Program of Auxiliary Services. Students attending nonpublic schools shall be furnished a program of auxiliary services which are provided to public school students in the school district in which their nonpublic school is located. The program of auxiliary services shall be provided by the intermediate unit in which the nonpublic school is located, in accordance with standards of the Secretary of Education. Such services shall be provided directly to the nonpublic school students by the intermediate unit except that such services shall not be provided in a church or in any facility under the control of a sectarian school.

Such auxiliary services shall be provided directly by the intermediate units and no auxiliary services presently provided to public school students by the intermediate units and/or school districts by means of State or local revenues, during the school year 1974-1975, shall be eliminated. No school districts shall be required, pursuant to any section of this act, to offer auxiliary services provided by any other school districts within such intermediate units.

(d) Allocations. In July of 1977 and annually thereafter in July, the Secretary of Education shall allocate to each intermediate unit an amount equal to the number of nonpublic school students as of October 1 of the preceding school year who are enrolled in nonpublic schools within the intermediate unit times seventy-two dollars ($72). The Secretary of Education shall increase this figure on a proportionate basis whenever there is an increase in the median actual instruction expense per WADM as defined in clause (12.1) of section 2501 of this act. The Commonwealth shall pay to each intermediate unit fifteen per centum (15%) of its allocation on August 1, seventy-five per centum (75%) on October 1, and the remaining ten per centum (10%) on the first day of February. ((d) amended Aug. 24, 1977, P.L. , No.59)

(e) Limitations. The intermediate unit shall not use more than six per centum (6%) of the funds it receives for administration or eighteen per centum (18%) for rental of facilities. The Department of Education shall not use more than one per centum (1%) of the funds it allocates under this section for administrative expenses. If all funds allocated by the intermediate units to administration, or rental facilities are not expended for those purposes, such funds may be used for the program costs.

(f) Interest. There shall be no adjustment in the allocation as provided in subsection (d) because of interest earned on the allocations by the intermediate units. Interest so earned shall be used for the purpose of this section but shall not be subject to the limitations of subsection (e).

(g) Preliminary Budget. Annually, each intermediate unit shall submit to the secretary a preliminary budget on or before January 31 and a final budget on or before June 15, for the succeeding year; and shall file a final financial report on or before October 31 for the preceding year.

(922.1-A added Aug. 1, 1975, P.L.180, No.89)

Section 923-A. Loan of Textbooks, Instructional Materials and Equipment, Nonpublic School Children.--(a) Legislative Findings; Declaration of Policy. The welfare of the Commonwealth requires that the present and future generations of school age children be assured ample opportunity to develop to the fullest their intellectual capacities. To further this objective, the Commonwealth provides, through tax funds of the Commonwealth, textbooks and instructional materials free of charge to children attending public schools within the Commonwealth. Approximately one quarter of all children in the Commonwealth, in compliance with the compulsory attendance provisions of this act, attend nonpublic schools. Although their parents are taxpayers of the Commonwealth, these children do not receive textbooks or instructional materials from the Commonwealth. It is the intent of the General Assembly by this enactment to assure such a distribution of such educational aids that every school child in the Commonwealth will equitably share in the benefits thereof.

(b) Definitions. The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Instructional equipment" means instructional equipment, other than fixtures annexed to and forming part of the real estate, which is suitable for and to be used by children and/or teachers. The term includes but is not limited to projection equipment, recording equipment, laboratory equipment, and any other educational secular, neutral, non-ideological equipment as may be of benefit to the instruction of nonpublic school children and are presently or hereafter provided for public school children of the Commonwealth.

"Instructional materials" means books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes, processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter to be developed. The term includes such other secular, neutral, non-ideological materials as are of benefit to the instruction of nonpublic school children and are presently or hereafter provided for public school children of the Commonwealth.

"Instructional materials" means pre-prepared learning materials which are secular, neutral and nonideological in character and are of benefit to the instruction of school children on an individual basis and are presently or hereafter provided for public school children of the Commonwealth. (Def. added Aug. 1, 1975, P.L.183, No.90)

"Nonpublic school" means any school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meet the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

"Textbooks" means books, workbooks, including reusable and non-reusable workbooks, and manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which

is expected to be available for the individual use of each pupil in such class or group. Such textbooks shall be textbooks which are acceptable for use in any public, elementary, or secondary school of the Commonwealth. (Def. amended Jul. 18, 1974, P.L.475, No.169)

(c) Loan of Textbooks and Instructional Materials. The Secretary of Education directly, or through the intermediate units, shall have the power and duty to purchase textbooks and instructional materials and, upon individual request, to loan them to all children residing in the Commonwealth who are enrolled in grades kindergarten through twelve of a nonpublic school. Such textbooks and instructional materials shall be loaned free to such children subject to such rules and regulations as may be prescribed by the Secretary of Education, due regard being had to the feasibility of making loans of particular instructional materials on an individual basis. ((c) amended Aug. 1, 1975, P.L.183, No.90)

(d) Purchase of Textbooks and Instructional Materials. The secretary shall not be required to purchase or otherwise acquire textbooks, pursuant to this section, the total cost of which, in any school year, shall exceed an amount equal to twelve dollars ($12) for the school year 1973-1974, fifteen dollars ($15) for the school year beginning July 1, 1974 and twenty dollars ($20) for each school year thereafter or instructional materials, the total cost of which, in any school year, shall exceed an amount equal to ten dollars ($10), multiplied by the number of children residing in the Commonwealth who on the first day of October of the school year immediately preceding are enrolled in grades kindergarten through twelve of a nonpublic school. ((d) amended Aug. 24, 1977, P.L. , No.59)

(e) Purchase of Instructional Materials and Equipment.--((e) deleted Aug. 1, 1975, P.L.183, No.90)

(923-A added Jul. 12, 1972, P.L.863, No.195)

Compiler's Note: Act Nos. 88 and 90 of Aug. 1, 1975 each amended subsection (d). The text of the two acts has been assimilated into one subsection.

Section 923.1-A. Psychological Services.--(a) Legislative Finding; Declaration of Policy. It is today recognized that diagnostic and evaluative psychological services to children are closely related to their physical, mental and emotional health. Such services can best be rendered upon the premises of the school which the child regularly attends, and forcing children to go to other premises in order to have such needed services is found by the General Assembly to be both inadequate and harmful. The General Assembly expressly finds and declares diagnostic and evaluative psychological services for children to be health services, and it is the intention of the General Assembly now to make these available, on a general and even-handed basis, to all school children in the Commonwealth.

(b) Definitions.--The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Nonpublic school" means any nonprofit school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

"Psychological services" means diagnostic and evaluative

psychological services for children.

(c) Provision of Services.--The Secretary of Education directly, or through the intermediate units out of their allocation under section 922.1-A of this act shall have the power and duty to furnish free to nonpublic school students, upon the premises of the nonpublic schools which they regularly attend, psychological services provided that such services are also afforded to public school students by the public school district in which such nonpublic school is located.

(923.1-A added Sept. 26, 1978, P.L. , No.147)

Section 924-A. Annual Reports.--(a) On or before January 1, 1975, and annually thereafter by the first of January, the Secretary of Education shall submit to the members of the General Assembly of the Commonwealth of Pennsylvania a report on the operation of the intermediate units for the purpose of enabling said members to evaluate the system inaugurated on July 1, 1971 in accordance with their constitutional obligation to maintain and support a thorough and efficient system of public education.

(b) In addition to written text, this report may include such graphic or statistical data as the Secretary of Education considers of use for a legislative evaluation of the report.

(c) In order that this report will provide an effective comparison with the prior system of county superintendents, the initial report shall contain the following information:

(1) A brief description of the specific services provided by each unit.

(2) A brief description of the services formerly supplied through the county superintendents of the districts which now comprise the intermediate unit.

(3) A comparison of the number and types of persons employed, full-time and part-time, by each intermediate unit with those formerly employed through the county superintendents of the districts which now comprise the intermediate unit.

(4) A comparison of the total costs and the per pupil costs of (i) capital outlay, (ii) equipment, (iii) overhead, and (iv) salaries for each intermediate unit with those formerly borne through the county superintendents of the districts which now comprise the intermediate unit.

(5) An analysis of the sources of revenue maintaining each intermediate unit, i.e., the amount derived from (i) local taxes, (ii) State reimbursement, (iii) private contracts for services, and (iv) Federal funds.

(d) The same information shall be provided in subsequent annual reports except that comparisons shall be drawn with the preceding report of intermediate unit activity rather than with the system of county superintendents. The obligation to submit this report shall cease after June 30, 1980, unless specifically reenacted by the General Assembly.

(924-A added Apr. 4, 1974, P.L.243, No.57)

Section 925. Powers and Duties.--(925 (a) to (e) repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(f) (1) Any county board of school directors may make contracts of insurance with any insurance company, or nonprofit hospitalization corporation, or nonprofit medical service corporation, authorized to transact business within the Commonwealth, insuring its employes, their spouses and dependents and retired employes under a policy or policies of group insurance covering life, health, hospitalization medical

service, or accident insurance, and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts, and may include the cost of such charges in its estimate of the cost of operating and administering classes or schools for handicapped and institutionalized children to be operated by the county board during the ensuing school year. No contract or contracts of insurance authorized by this section shall be purchased from or through any person employed by the county board in a teaching or administrative capacity.

(2) The county board of school directors is hereby authorized to deduct from the employe's pay, salary, or compensation, such part of the premium as is payable by the employe and as may be so authorized by the employe in writing.

(3) All contracts procured hereunder shall conform and be subject to all the provisions of any existing or future laws concerning group insurance contracts.

((f) added Jul. 24, 1970, P.L.613, No.205)

ARTICLE X.
DISTRICT AND ASSISTANT SUPERINTENDENTS.

(Art. Heading amended Jan. 14, 1970 (1969) P.L.468, No.192)

(a) Provisions of General Application.

Section 1001. Purpose.--For the superintendence and supervision of the public schools of this Commonwealth, there shall be elected or appointed, in the manner herein provided, district superintendents, and assistant superintendents.

(1001 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1002. Good Moral Character.--Every person elected or appointed as district or assistant district superintendent must be a person of good moral character.

(1002 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1003. Eligibility.--No person shall be eligible for election or appointment as a district, or assistant district superintendent, unless--

(1) He holds a diploma from a college or other institution approved by the Department of Education;

(2) He has had six (6) years' successful teaching experience, not less than three of which shall have been in a supervisory or administrative capacity;

(3) He has completed in a college or university a graduate course in education approved by the Department of Education;

(4) Provided that in school districts of the first class, five (5) years of administrative experience at the level of assistant, associate or deputy superintendent, may be substituted for prescribed graduate administrative courses, and which shall be the responsibility of the Secretary of Education to review these equivalences to conform with State board regulations.

Serving either as county, district, or assistant county or district superintendent, or associate superintendent, in this Commonwealth, at the time this act becomes effective, shall, irrespective of the foregoing requirements, be considered sufficient qualification for any of the aforesaid offices.

(1003 amended Dec. 19, 1975, P.L.511, No.150)

Section 1004. Oath of Office.--Every person elected or appointed as executive director of the intermediate unit, district superintendent, assistant executive director of the intermediate unit, or district superintendent shall, before entering upon the duties of his office, subscribe to and take,

before the Superintendent of Public Instruction, or before any judge of a court of common pleas in this Commonwealth, the same oath or affirmation as has herein been prescribed to be taken by persons elected to the office of school director. Such oath or affirmation, being attested by the Superintendent of Public Instruction or judge, shall be filed in the office of the Superintendent of Public Instruction.

(1004 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1005. Enforcement of Branches of Study; Withholding State Appropriations.--It shall be the duty of each district superintendent to see that in every district there shall be taught the several branches required by this act, as well as such other branches as the board of school directors may require.

In case the board of school directors of any school district shall fail to provide competent teachers to teach the several branches required in this act, it shall be the duty of the district superintendent to notify the board of school directors, in writing, of its neglect. In case provision is not made forthwith for teaching of branches aforesaid, he shall report such fact to the Superintendent of Public Instruction, whose duty it shall be to withhold any order for such district's share of the State appropriation until the district superintendent shall notify him that competent teachers of such branches have been employed. In case of neglect or refusal by the board of school directors to employ competent teachers, for one month after receiving notice from the district superintendent that such teachers have not been provided, such district shall forfeit absolutely its whole share of the State appropriation for that year.

(1005 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1006. Reports.--Every district superintendent shall annually, on or before the first Monday of August, forward to the Superintendent of Public Instruction the reports of the several school districts under his supervision, and shall accompany the same with such extended report of the public schools under his supervision as he may think proper, suggesting such improvements or changes in the public school system as he may see fit to suggest. He shall further furnish to the Superintendent of Public Instruction, whenever required so to do, such additional reports and information as the Superintendent of Public Instruction may request.

(1006 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1007. Not to Engage in Teaching; Exceptions.--No executive director of the intermediate unit, district, or assistant district superintendent or assistant executive director of an intermediate unit in this Commonwealth shall engage in the business or profession of teaching in this Commonwealth, unless it is done without any other compensation than that paid to him as such superintendent: Provided, That he may receive compensation for services in a summer school, maintained in a State college or university, or other college or university, devoted to the training of teachers, or for services rendered evenings or Saturdays during the school term, to any such college or university, if he is released for such service by the board of school directors of the district in which he is employed.

(1007 amended Nov. 9, 1973, P.L.334, No.111)

Section 1008. Additional Compensation and Interest in Sale

or Adoption of Books or Supplies Prohibited.--No executive director of the intermediate unit, district, or assistant district superintendent or assistant executive director of an intermediate unit shall receive any compensation for services rendered in connection with the public schools under his jurisdiction except the compensation herein provided. No executive director of the intermediate unit, district, or assistant district superintendent or assistant executive director of an intermediate unit who is engaged as such, or any person who is an applicant for such position, shall be an agent for, nor shall he be in any way financially interested in, the sale or adoption of any book or books or supplies in the county or district in which he is engaged, or in which he is an applicant for such position.

(1008 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1009. Influencing Elections; Penalty.--Any person who shall, either directly or indirectly, pay or give to a school director any sum of money, or other thing of value, for his vote or support in the election of an executive director or assistant executive director of an intermediate unit, or district or assistant district superintendent, or pay or give to a school director any or all of his expenses incurred in and about the convention for the election of an executive director or assistant executive director of an intermediate unit, or district or assistant district superintendent, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars ($5) or more than five hundred dollars ($500), or to undergo imprisonment for not less than thirty (30) days, or more than one (1) year, either or both, at the discretion of the court. In addition thereto, he shall forever thereafter be disqualified from holding the office of executive director or assistant executive director of an intermediate unit, district superintendent, assistant district superintendent, school director, or any other office in the public school system of this Commonwealth.

(1009 amended Jan. 14, 1970 (1969), P.L.468, No.192)

(b) County Superintendents.

Section 1021. Election.--(1021 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1022. Time and by Whom Elected; Term of Office.--(1022 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1023. Notice of Convention to Elect County Superintendents.--(1023 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1024. Compensation and Mileage.--(1024 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1025. Officers of Convention.--(1025 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1026. Candidates' Proof of Eligibility.--(1026 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1027. List of Directors Entitled to Vote; Method of Voting.--(1027 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1028. Election Papers Filed with Prothonotary.--(1028 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1029. Certification of Results of Election.--(1029 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1030. Commission from Superintendent of Public Instruction.--(1030 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1031. Objections to Election; Hearing.--(1031 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1032. Costs of Hearing.--(1032 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1033. Appointment if Objections Sustained.--(1033 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1034. Removal for Cause.--(1034 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1035. Vacancies; Substitutes.--(1035 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1036. New Counties.--(1036 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1037. Duties.--(1037 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1038. Inspection of School Grounds and Buildings.--(1038 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1039. County to Furnish Office Rooms, etc.--(1039 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1040. Telephone, Typewriter and Stenographer Furnished by County.--(1040 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1041. Telephone, Typewriter and Stenographic Services in Counties Second Class. (1041 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(c) Assistant County Superintendents and Supervisors of Special Education.

Section 1051. Number of Assistant County Superintendents.--(1051 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1052. Number of Supervisors of Special Education.--(1052 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1053. Appointment of Assistant Superintendents.--(1053 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1054. Supervisors of Special Education; Qualifications; Appointment.--(1054 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1055. Certification of Appointments; Commissions; Appointments by Superintendent of Public Instruction.--(1055 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1056. Vacancies; Substitutes.--(1056 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1057. Removal for Cause.--(1057 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1058. Duties of Assistant County Superintendents.--(1058 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1059. Duties of Supervisors of Special Education.--(1059 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1060. Further Duties of Assistant County Superintendents and Supervisors of Special Education.--(1060 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(c.1) Technical Personnel.

((c.1) added Aug. 10, 1951, P.L.1150, No.254)

Section 1061. Number of Technical Personnel; Qualifications; Appointment.--(1061 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1062. Salaries; Duties.--(1062 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1063. Vacancies; Substitutes.--(1063 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(d) Salaries and Expenses of County

Superintendents, Assistant County Superintendents, and Supervisors of Special Education.

Section 1066. Minimum Salaries; Payment.--(1066 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1067. Additional Salaries; Payment.--(1067 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1068. Expenses.--(1068 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(e) District Superintendents and Assistant District Superintendents.

Section 1071. Election.--(a) The board of school directors in every school district shall, by a majority vote of all the members thereof, elect a properly qualified person as district superintendent, together with such properly qualified assistant superintendents as it deems wise. If a district superintendent has jurisdiction over a joint school system including grades 1 to 12, he shall be elected by a majority vote of all the school directors in the districts operating the joint school system.

(b) Any person in the employ of a school district as a supervising principal during the school year 1969-1970 shall be issued a commission by the Superintendent of Public Instruction if elected as district superintendent for a term beginning July 1, 1970, and shall serve as district superintendent in the employing school district for a term ending June 30, 1974, and thereafter shall be eligible for election as district superintendent in any school district in the Commonwealth.

(1071 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1072. Creating Office in Districts Third Class.--(1072 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1072.1. Discontinuance of Office in Districts Third Class.--(1072.1 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1072.2. (1072.2 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1073. Manner of Election or Approval.--(a) The board of school directors of each school district, except in school districts of the first class, shall meet at its regular place of meeting, during the last year of the term of the district superintendent or at any other time when a vacancy shall occur in the office of district superintendent, at an hour previously fixed by the board. The secretary of each board of school directors shall mail to each member thereof at least five days beforehand, a notice of the time, place and purpose of such meeting. At such meeting the board shall elect or approve a properly qualified district superintendent to serve a term of from three to five years from the first day of July next following his election or from a time mutually agreed upon by the duly elected district superintendent and the board of school directors.

(b) At a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the district superintendent, the agenda shall include an item requiring affirmative action by five or more members of the board of school directors to notify the district superintendent that the board intends to retain him for a further term of from three (3) to five (5) years or that another or other candidates will be considered for the office. In the event that the board fails to take such action at a regular meeting of the board of school

directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the district superintendent, he shall continue in office for a further term of similar length to that which he is serving.

(c) ((c) repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(d) The term of office or commission of a district superintendent or assistant district superintendent shall not be shortened by reason of the fact that the district in which he serves shall be come part of a joint school, or by reason of the fact that the district in which he serves shall become a part of a new school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) or section 224 of this act. Any district superintendent, assistant districts superintendent or supervising principal not selected as the district superintendent of the joint school or newly established school district in which the district he serves becomes a part shall be assigned to a position or office for which he is eligible: Provided, however, That in a new school district reorganized under Article II., subdivision (i) or section 224 of this act, he shall be assigned to a position or office which is administrative or supervisory in nature only, but there shall be no reduction in salary until the expiration of his commission. Thereafter, unless elected to an office requiring a commission he shall have the status of a professional employe: Provided, That the board of school directors may adjust the salary according to the classification of the position to which he may be assigned, and that the period of service as a commissioned district superintendent, assistant district superintendent or associate superintendent shall be counted as time served as a professional employe in determining his seniority rights. ((d) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(1073 amended Jan. 16, 1974, P.L.1, No.1)

Section 1074. Districts Having no Superintendent.--(1074 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1075. Salary.--The board of school directors at any convention electing a district superintendent or an assistant district superintendent shall determine the amount of salary to be paid such district superintendent or assistant district superintendent which compensation shall be paid out of the funds of the district. If a district superintendent or an assistant district superintendent is employed in a joint school system including kindergarten or grades 1 to 12, his salary shall be fixed by a majority vote of all the school directors in the districts operating the joint school systems, and shall be paid by the districts in the same proportions as they contribute to the support of the joint school.

District superintendents and assistant district superintendents shall be entitled tc the following minimum annual salaries:

(1) Assistant district superintendents having less than one hundred (100) teachers under their supervision, nine thousand dollars ($9,000).

(2) Assistant district superintendents having one hundred (100) teachers or more but less than three hundred (300) teachers under their supervision, ten thousand dollars ($10,000).

(3) Assistant district superintendents having three hundred (300) or more teachers under their supervision, eleven thousand

dollars ($11,000).

(4) District superintendents having less than one hundred (100) teachers under their supervision, thirteen thousand dollars ($13,000).

(5) District superintendents having one hundred (100) teachers or more but less than three (300) teachers under their supervision, fourteen thousand dollars ($14,000).

(6) District superintendents having three hundred (300) or more teachers under their supervision, fifteen thousand dollars ($15,000).

(1075 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1076. Election of Assistant District Superintendents, Except in Districts First Class.--Except in districts of the first class, assistant district superintendents shall be chosen by a majority vote of all the members of the board of school directors of the district, for a term of from three to five years upon the nomination by the district superintendent.

(1076 amended Jan. 16, 1974, P.L.1, No.1)

Section 1077. Term and Salary of Assistants.--Assistant district superintendents may serve through the term of the district superintendent, or enter a contract for a term of from three to five years at salaries paid by the district, and fixed by a majority vote of the whole board of school directors prior to their election.

At a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the assistant district superintendent, the agenda shall include an item requiring affirmative action by five (5) or more members of the board of school directors to notify the assistant district superintendent that the board intends to retain him for a further term of from three (3) to five (5) years or that another or other candidates will be considered for the office. In the event that the board fails to take such action at a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the assistant district superintendent, he shall continue in office for a further term of similar length to that which he is serving.

(1077 amended Jan. 16, 1974, P.L.1, No.1)

Section 1078. Commissions.--District superintendents and assistant district superintendents shall be commissioned by the Superintendent of Public Instruction.

(1078 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1079. Vacancies; Acting and Substitute Superintendents and Assistants.-- Whenever a board of school directors finds it impossible or impracticable to fill immediately any vacancy occurring in the position of district superintendent or assistant district superintendent, the board may appoint an acting district superintendent or an acting assistant district superintendent to serve not longer than one year from the time of his appointment.

When a leave of absence has been granted to any district superintendent or assistant district superintendent, and it is deemed necessary or desirable, the board of school directors may appoint a substitute district superintendent or assistant district superintendent to serve for such period of time as the regular district superintendent or assistant district

superintendent is absent on leave.

(1079 amended Jan. 16, 1974, P.L.1, No.1)

Section 1080. Removal.--District superintendents and assistant district superintendents may be removed from office, after hearing, by a majority vote of the board of school directors of the district, for neglect of duty, incompetency, intemperance, or immorality, of which hearing notice of at least one week has been sent by mail to the accused, as well as to each member of the board of school directors.

Section 1081. Duties of Superintendents.--The duties of district superintendents shall be to visit personally as often as practicable the several schools under his supervision, to note the courses and methods of instruction and branches taught, to give such directions in the art and methods of teaching in each school as he deems expedient and necessary, and to report to the board of school directors any insufficiency found, so that each school shall be equal to the grade for which it was established and that there may be, as far as practicable, uniformity in the courses of study in the schools of the several grades, and such other duties as may be required by the board of school directors. The district superintendent shall have a seat on the board of school directors of the district, and the right to speak on all matters before the board, but not to vote.

(1081 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1082. Duties of Assistants.--Assistant district superintendents shall perform such duties as may be assigned them by the boards of school directors or by the district superintendents.

Section 1083. Annexation and Consolidation of Districts.--When any school district, having a district superintendent, is annexed to and becomes a part of another school district, the district superintendent therein shall become an assistant district superintendent in the district to which such school district is annexed, for the remainder of his term. When two school districts are consolidated as a result of the consolidation of two boroughs, then the district superintendent of the district having the larger public school enrollment shall become the district superintendent of the consolidated district. The superintendent representing the smaller school enrollment shall become assistant superintendent in the consolidated district.

Section 1083.1. Reorganization of Districts.--(a) When two or more school districts, each having a district superintendent, form a joint school or union or merged school district, the board of school directors of the joint school or union or merged district shall select a district superintendent from one of the component districts regardless of seniority or rating as supervising principal or district superintendent of the joint school or union or merged district. Remaining district superintendent or superintendents shall be assigned, without reduction in pay, to positions or offices within the school system until the expiration of his commission.

(b) When two or more school districts in which one or more employ a district superintendent and one or more employ a supervising principal, form a joint school or union or merged district, the board of school directors of the joint school or union or merged district shall select a district superintendent from one of the component districts, regardless of seniority or rating as supervising principal or district superintendent of

the joint school or union or merged district. The board of school directors shall assign district superintendents and supervising principals not selected as district superintendent of the joint school district to positions of administration or supervision or to offices for which they are certificated.

(c) The interim operating committee of each school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, shall appoint a district superintendent for the newly established school district. If the person selected is chosen from among incumbent district superintendents or supervising principals of the component school districts forming the newly established school district, the selection may be made without regard to seniority or rating as district superintendent or supervising principal. Incumbent district superintendents of the component school districts forming the newly established school district shall be assigned to positions or offices which are administrative or supervisory in nature only without reduction in pay until the expiration of their commissions. Incumbent supervising principals shall be assigned to positions or offices for which they are certificated, and their salaries may be adjusted according to the classification of the positions or offices to which they are assigned.

(1083.1 amended Jan. 14, 1970 (1969), P.L.468, No.192)

(f) Supervisors.

((f) repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1084. Number of Supervisors.--(1084 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1085. Supervisors' Qualifications; Appointment.--(1085 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1086. Salaries.--(1086 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1087. Duties of Supervisors.--(1087 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1088. Vacancies; Substitutes.--(1088 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(g) Special Districts.

((g) repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1091. Services Provided Through Office of County Superintendent.--(1091 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

ARTICLE XI.
PROFESSIONAL EMPLOYES.

(a) Definitions.

(a) Definitions.

Section 1101. Definitions.--As used in this article,

(1) The term "professional employe" shall include those who are certificated as teachers, supervisors, supervising principals, principals, assistant principals, vice-principals, directors of vocational education, dental hygienists, visiting teachers, home and school visitors, school counselors, child nutrition program specialists, school librarians, school secretaries the selection of whom is on the basis of merit as determined by eligibility lists and school nurses.

(2) The term "substitute" shall mean any individual who has been employed to perform the duties of a regular professional

employe during such period of time as the regular professional employe is absent on sabbatical leave or for other legal cause authorized and approved by the board of school directors or to perform the duties of a temporary professional employe who is absent.

(3) The term "temporary professional employe" shall mean any individual who has been employed to perform, for a limited time, the duties of a newly created position or of a regular professional employe whose services have been terminated by death, resignation, suspension or removal.

(1101 amended Nov. 30, 1971, P.L.546, No.144)

(b) Employment.

Section 1106. Duty to Employ.--The board of school directors in every school district shall employ the necessary qualified professional employes, substitutes and temporary professional employes to keep the public schools open in their respective districts in compliance with the provisions of this act.

Section 1107. Special Teachers.--The board of school directors in every school district may employ such special teachers, including special teachers who speak the idiomatic or colloquial language of immigrants residing in the school district, for the purpose of easing the transition period of such immigrants, qualified as herein provided, as they may deem necessary for any of the public schools or departments thereof in the district.

(1107 amended Mar. 19, 1970, P.L.189, No.73)

Section 1108. Temporary Professional Employes.--(a) It shall be the duty of the district superintendent to notify each temporary professional employe, at least twice each year during the period of his or her employment, of the professional quality, professional progress, and rating of his or her services. No temporary professional employe shall be dismissed unless rated unsatisfactory, and notification, in writing, of such unsatisfactory rating shall have been furnished the employe within ten (10) days following the date of such rating. The rating of a temporary professional employe shall be done as provided in section one thousand one hundred twenty-three of this act. ((a) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(b) A temporary professional employe whose work has been certified by the district superintendent to the secretary of the school district, during the last four (4) months of the second year of such service, as being satisfactory shall thereafter be a "professional employe" within the meaning of this article. The attainment of this status shall be recorded in the records of the board and written notification thereof shall be sent also to the employe. The employe shall then be tendered forthwith a regular contract of employment as provided for professional employes. No professional employe who has attained tenure status in any school district of this Commonwealth shall thereafter be required to serve as a temporary professional employe before being tendered such a contract when employed by any other part of the public school system of the Commonwealth. ((b) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(c) Any temporary professional employe who is not tendered a regular contract of employment at the end of two years of service, rendered as herein provided, shall be given a written statement signed by the president and secretary of the board of school directors and setting forth explicitly the reason for such refusal. ((c) amended Aug. 10, 1951, P.L.1157, No.259)

(d) Temporary professional employes shall for all purposes, except tenure status, be viewed in law as full-time employes, and shall enjoy all the rights and privileges of regular full-time employes. ((d) amended Aug. 10, 1951, P.L.1157, No.259)

Section 1109. Qualifications.--Every teacher employed to teach in the public schools of this Commonwealth must be a person of good moral character, must be at least eighteen years of age, and must be a citizen of the United States: Provided, That citizenship may be waived in the case of exchange teachers not permanently employed, and teachers employed for the purpose of teaching foreign languages, including special teachers who speak the idiomatic or colloquial language of immigrants residing in the school district, and employed for the purpose of easing the transition period of such immigrants.

Every principal appointed after August thirty-first, one thousand nine hundred fifty-three, employed in the public schools of this Commonwealth, who devotes one-half or more of his time to supervision and administration, shall be properly certificated by the Department of Public Instruction in accordance with such standards as the State Board of Education may establish.

(1109 amended Mar. 19, 1960, P.L.189, No.73)

Section 1110. Disqualification for Refusal to Teach.--(1110 repealed May 9, 1949, P.L.939, No.263)

Section 1111. Employment of Relatives of School Directors.--No teacher shall be employed, by any board of school directors, who is related to any member of the board; as, father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt, unless such teacher receives the affirmative votes of a majority of all members of the board other than the member related to the applicant who shall not vote.

(1111 amended Dec. 28, 1955, P.L.910, No.279)

Section 1112. Religious Garb, Insignia, etc., Prohibited; Penalty.--(a) That no teacher in any public school shall wear in said school or while engaged in the performance of his duty as such teacher any dress, mark, emblem or insignia indicating the fact that such teacher is a member or adherent of any religious order, sect or denomination.

(b) Any teacher employed in any of the public schools of this Commonwealth, who violates the provisions of this section, shall be suspended from employment in such school for the term of one year, and in case of a second offense by the same teacher he shall be permanently disqualified from teaching in said school. Any public school director who after notice of any such violation fails to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction of the first offense, shall be sentenced to pay a fine not exceeding one hundred dollars ($100), and on conviction of a second offense, the offending school director shall be sentenced to pay a fine not exceeding one hundred dollars ($100) and shall be deprived of his office as a public school director. A person thus twice convicted shall not be eligible to appointment or election as a director of any public school in this Commonwealth within a period of five (5) years from the date of his second conviction.

(c) Tenure.

(c) Tenure.

Section 1121. Contracts; Execution; Form.--In all school districts, all contracts with professional employes shall be in writing, in duplicate, and shall be executed on behalf of the board of school directors by the president and secretary and signed by the professional employe.

Each board of school directors in all school districts shall hereafter enter into contracts, in writing, with each professional employe who has satisfactorily completed two (2) years of service in any school district of this Commonwealth. Said contracts shall contain only the following:

"IT IS AGREED by and between ..... Professional Employe, and the Board of Directors (or Board of Public Education) of the school district of ....., Pennsylvania, that said professional employe shall, under the authority of the said board and its successors, and subject to the supervision and authority of the properly authorized superintendent of schools or supervising principal, serve as a professional employe in the said school district for a term of .....months, for an annual compensation of $....., payable monthly or semi-monthly during the school term or year, less the contribution required by law to be paid to the Public School Employes' Retirement Fund, and less other proper deductions for loss of time.

"This contract is subject to the provisions of the 'Public School Code of 1949' and the amendments thereto.

"AND IT IS FURTHER AGREED by the parties hereto that none of the provisions of this act may be waived either orally or in writing, and that this contract shall continue in force year after year, with the right of the board of school directors (or board of public education) to increase the compensation over the compensation herein stated, from time to time, as may be provided under the provisions and proper operation of the established salary schedule, if any, for the school district, subject to the provisions of law, without invalidating any other provision of this contract, unless terminated by the professional employe by written resignation presented sixty (60) days before resignation becomes effective, or by the board of school directors (or board of public education) by official written notice presented to the professional employe: Provided, That the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employe, within ten (10) days after receipt of the termination notice, presents a written request for such hearing."

(1121 amended Sep. 28, 1951, P.L.1551, No.395)

Section 1122. Causes for Termination of Contract.--The only valid causes for termination of a contract heretofore or hereafter entered into with a professional employe shall be immorality, incompetency, intemperance, cruelty, persistent negligence, mental derangement, advocation of or participating in un-American or subversive doctrines, persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employe: Provided, That boards of school directors may terminate the service of any professional employe who has attained to the age of sixty-two except a professional employe who is a member of the old age and survivors insurance system pursuant to the provisions of the act, approved the first day of June, one thousand nine hundred fifty-six (Pamphlet Laws 1973). In such case the board may terminate the service of any

such professional employe at the age of sixty-five or at the age at which the employe becomes eligible to receive full benefits under the Federal Social Security Act.

Nothing within the foregoing enumeration of causes, shall be interpreted to conflict with the retirement of professional employes upon proper evidence of disability, or the election by professional employes to retire during the period of voluntary retirement, or the authority of the board of school directors to require professional employes to retire during said period of voluntary retirement, or the compulsion on the part of professional employes to retire at the attainment of age seventy.

(1122 amended Jul. 26, 1961, P.L.891, No.383, and repealed in part Dec. 22, 1951, P.L.1726, No.463)

Section 1123. Rating System.--In determining whether a professional employe shall be dismissed for incompetency, and in rating the services of a temporary professional employe, the professional employe or temporary professional employe shall be rated by an approved rating system which shall give due consideration to personality, preparation, technique, and pupil reaction, in accordance with standards and regulations for such scoring as defined by rating cards to be prepared by the Department of Public Instruction, and to be revised, from time to time, by the Department of Public Instruction with the cooperation and advice of a committee appointed by the Superintendent of Public Instruction, including representation from district superintendents of schools, classroom teachers, school directors, school supervisors, and such other groups or interests as the Superintendent of Public Instruction may deem appropriate. Rating shall be done by or under the supervision of the superintendent of schools or, if so directed by him, the same may be done by an assistant superintendent, a supervisor, or a principal, who has supervision over the work of the professional employe or temporary professional employe who is being rated: Provided, That no unsatisfactory rating shall be valid unless approved by the district superintendent.

(1123 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1124. Causes for Suspension.--Any board of school directors may suspend the necessary number of professional employes, for any of the causes hereinafter enumerated:

(1) Substantial decrease in pupil enrollment in the school district;

(2) Curtailment or alteration of the educational program on recommendation of the superintendent, concurred in by the board of school directors, approved by the Department of Public Instruction, as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of Public Instruction;

(3) Consolidation of schools, whether within a single district, through a merger of districts, or as a result of joint board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employes.

(4) When new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, and when such reorganization makes it unnecessary to retain the full staff of professional employes. ((4) added Aug. 8, 1963, P.L.564, No.299)

Section 1125. Suspensions and Reinstatements; How Made.--(a)

Whenever a board of school directors decreases the size of the staff of professional employes, the suspensions to be made shall be determined by the district superintendent on the basis of efficiency rank determined by ratings made in accordance with standards and regulations, determined by rating cards prepared by the Department of Public Instruction, as required by section one thousand one hundred twenty-three of this act. It shall be the duty of boards of school directors to cause to be established a permanent record system, containing ratings for each professional employe employed within the district. Copies of all ratings for the year shall be transmitted to the professional employe upon his or her request, or, if any rating during the year is unsatisfactory, a copy of same shall be transmitted to the professional employe concerned. No professional employe shall be dismissed under this act unless such rating records have been kept on file by the board of school directors. ((a) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(b) In cases in which suspensions are to be made, professional employes shall be retained on the basis of seniority rights, acquired within the school district of current employment, where no differences in rating are found. Seniority rights shall also prevail where there is no substantial difference in rating. In cases where there are substantial differences in rating of those under consideration for suspension, seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating cards. Where there is a merger, jointure or union district formed or when new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, all professional employes shall retain the seniority rights they had at the time of such merger, jointure, union or reorganization of school districts. ((b) amended Aug. 8, 1963, P.L.564, No.299)

(c) No suspended employe shall be prevented from engaging in other occupation during the period of such suspension. Suspended professional employes shall be reinstated in the inverse order of their suspension. No new appointment shall be made while there are suspended professional employes available, who are properly certified to fill such vacancies. ((c) amended Aug. 10, 1951, P.L.1157, No.259)

Section 1126. Public Hearings; Exceptions.--All hearings, under the provisions of this article or any other provision of the school laws pertaining to the dismissal or the termination of contracts of professional employes, shall be public, unless otherwise requested by the party against whom the complaint is made.

Section 1127. Procedure on Dismissals; Charges; Notice; Hearing.--Before any professional employe having attained a status of permanent tenure is dismissed by the board of school directors, such board of school directors shall furnish such professional employe with a detailed written statement of the charges upon which his or her proposed dismissal is based and shall conduct a hearing. A written notice signed by the president and attested by the secretary of the board of school directors shall be forwarded by registered mail to the professional employe setting forth the time and place when and where such professional employe will be given an opportunity to be heard either in person or by counsel, or both, before the

board of school directors and setting forth a detailed statement of the charges. Such hearing shall not be sooner than ten (10) days nor later than fifteen (15) days after such written notice. At such hearing all testimony offered, including that of complainants and their witnesses, as well as that of the accused professional employe and his or her witnesses, shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense. Any such hearing may be postponed, continued or adjourned.

Section 1128. Subpoenas; Testimony.--The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made. If any person shall refuse to appear and testify in answer to any subpoena issued by the board, any party interested may petition the court of common pleas of the county setting forth the facts, which court shall thereupon issue its subpoena commanding such person to appear before it, there to testify as to the matters being inquired into. Any person refusing to testify before the court shall be held for contempt. All testimony at any hearing shall be taken under oath, and any member of the board of school directors shall have power to administer oaths to such witnesses.

Section 1129. Vote Required for Dismissals.--After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending, and after full, impartial and unbiased consideration thereof, the board of school directors shall by a two-thirds vote of all the members thereof, to be recorded by roll call, determine whether such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints, and if so determined shall discharge such professional employe. If less than two-thirds of all of the members of the board vote in favor of discharge, the professional employe shall be retained and the complaint shall be dismissed.

No member of any board of school directors shall vote on any roll call if he is related as father, mother, brother, sister, husband, wife, son, daughter, stepson, step-daughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle or aunt to the professional employe involved or to any of the parties instituting the complaint.

Section 1130. Notice of Discharge; Procedure on Decision Favorable to Employe.--A written notice of any decision of the board of school directors discharging a professional employe, shall be sent by registered mail to such professional employe at his or her last known address within ten (10) days after such hearing is actually concluded.

In all cases where the final decision is in favor of the professional employe, the charges made shall be physically expunged from the records of the board of school directors, but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made. In all such cases there shall be no abatement of salary or compensation.

Section 1131. Appeals to Superintendent of Public Instruction.--In case the professional employe concerned considers himself or herself aggrieved by the action of the board of school directors, an appeal by petition, setting forth the grounds for such appeal, may be taken to the Superintendent

of Public Instruction at Harrisburg. Such appeal shall be filed within thirty (30) days after receipt by registered mail of the written notice of the decision of the board. A copy of such appeal shall be served by registered mail on the secretary of the school board.

The Superintendent of Public Instruction shall fix a day and time for hearing, which shall be not sooner than ten (10) days nor more than thirty (30) days after presentation of such petition, and shall give written notice to all parties interested.

The Superintendent of Public Instruction shall review the official transcript of the record of the hearing before the board, and may hear and consider such additional testimony as he may deem advisable to enable him to make a proper order. At said hearing the litigants shall have the right tc be heard in person or by counsel or both.

After hearing and argument and reviewing all the testimony filed or taken before him, the Superintendent of Public Instruction shall enter such order, either affirming or reversing the action of the board of school directors, as to him appears just and proper.

Section 1132. Appeals to Court.--The ruling or decision of the Secretary of Education shall be final, unless, an appeal is taken in accordance with the prcvisions of the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law." (1132 amended Dec. 21, 1973, P.L.429, No.150)

(d) Compensation.

Section 1141. Definitions.--For the purposes of this subdivision.--

(1) "Teacher" shall include all professional employes and temporary professional employes, who devote fifty per centum (50%) of their time, or more, to teaching or other direct educational activities, such as classroom teachers, demonstration teachers, museum teachers, counsellors, librarians, school nurses, dental hygienists, home and school visitors, and other similar professional employes and temporary professional employes, certificated in accordance with the qualifications established by the State Board of Education. ((1) amended Oct. 21, 1965, P.L.601, No.312)

(2) "Service increments" shall mean increases in annual salary granted to all professional employes by reason of their years of service in the school district or vocational school district.

(3) "Standard certificate" shall mean any one of the following certificates: permanent State certificate, State Normal School certificate, State Normal School diploma, temporary standard certificate, permanent standard certificate, State standard limited certificate, temporary extension standard certificate, permanent extension standard certificate.

(4) "College certificate" shall mean a college provisional certificate, a college permanent certificate, or its equivalent.

(5) "Master's Degree" shall mean a degree secured at a college or university approved by the Department of Public Instruction.

The State Board of Education shall establish equivalents for both college certificates and master's degrees. In determining the equivalents, in the case of teachers of applied arts and vocational subjects, the State Board of Education shall give due consideration to practical experience in the field taught. ((5)

amended Oct. 21, 1965, P.L.601, No.312)

Section 1142. Minimum Salaries and Increments.--(a) Except as hereinafter otherwise provided, all school districts and vocational school districts shall pay all regular and temporary teachers, supervisors, directors and coordinators of vocational education, psychologists, teachers of classes for exceptional children, supervising principals, vocational teachers, and principals in the public schools of the district the minimum salaries and increments for the school year 1968-1969 and each school year thereafter, as provided in the following tabulation in accordance with the column in which the professional employe is grouped and the step which the professional employe has attained by years of experience within the school district each step after step 1 constituting one year of service. When a school district, by agreement, places a professional employe on a step in the salary scale, each step thereafter shall constitute one year of service. When a district adopts a salary scale in excess of the mandated scale, it shall not be deemed to have altered or increased the step which the employe has gained through years of service.

(b) Professional employes shall be grouped in the following columns:

Class A. Teachers holding a standard certificate valid for the subject or grades in which the teacher is giving instruction.

Class B. Teachers holding a college certificate valid for the subjects or grades in which the teacher is giving instruction.

Class C. Teachers of classes approved by the Department of Public Instruction for exceptional children holding a standard certificate valid for the subjects or grades in which the teacher is giving instruction.

Class D. Teachers of classes approved by the Department of Public Instruction for exceptional children holding a college certificate valid for the subjects or grades in which the teacher is giving instruction.

Class E. Supervisors, directors and coordinators of vocational education, who devote one-half or more of their time to supervision of instruction, and psychologists, holding a standard or college certificate.

Class F. Principals, who devote one-half or more of their time to supervision and administration and having less than twenty (20) teachers under their supervision, who hold a standard certificate, or college certificate.

Class G. Such principals, having twenty (20) or more teachers under their supervision, but less than forty (40), and who hold a standard certificate, or college certificate.

Class H. Such principals, having forty (40) or more teachers under there supervision, but less than sixty (60), and who hold a standard certificate, or college certificate.

Class I. Such principals, having sixty (60) or more but less than eighty (80) teachers under their supervision, and who hold a standard certificate, or college certificate.

Class J. Such principals, having eighty (80) or more teachers under their supervision, and who hold a standard certificate, or college certificate.

Class K. Supervising principals, having less than forty (40) teachers under their supervision, and who hold a standard certificate, or college certificate.

Class L. Supervising principals, having forty (40) or more teachers under their supervision, but less than sixty (60), who hold a standard certificate, or college certificate.

Class M. Supervising principals, having sixty (60) or more but less than eighty (80) teachers under their supervision, and who hold a standard certificate, or college certificate.

Class N. Supervising principals, having eighty (80) or more but less than one hundred (100) teachers under their supervision, and who hold a standard certificate, or college certificate.

Class O. Supervising principals, having one hundred (100) or more teachers under their supervision, and who hold a standard certificate or college certificate.

Class P. Vocational teachers, holding a standard or college certificate valid for the subjects or grades in which the teacher is giving instruction, and who is employed for the entire calendar year because of seasonal activities.

(c) Minimum Salary Schedule for the 1968-1969 school year:

	A	B	C	D	E	F	G	H
10		8100		8300				
9	7800	7800	8000	8000	9050			
8	7500	7500	7700	7700	8750	9450	9950	10450
7	7200	7200	7400	7400	8450	9150	9650	10150
6	6900	6900	7100	7100	8150	8850	9350	9850
5	6600	6600	6800	6800	7850	8550	9050	9550
4	6300	6300	6500	6500	7550	8150	8650	9150
3	6000	6000	6200	6200	7250	7750	8250	8750
2	5700	5700	5900	5900	6950	7350	7850	8350
1	5400	5400	5600	5600	6650	6950	7450	7950

	I	J	K	L	M	N	O	P
10								9350
9								9050
8	10950	11450	11650	12150	12650	13150	13650	8750
7	10650	11150	11350	11850	12350	12850	13350	8450
6	10350	10850	11050	11550	12050	12550	13050	8150
5	10050	10550	10750	11250	11750	12250	12750	7850
4	9650	10150	10250	10750	11250	11750	12250	7550
3	9250	9750	9750	10250	10750	11250	11750	7250
2	8850	9350	9250	9750	10250	10750	11250	6950
1	8450	8950	8750	9250	9750	10250	10750	6650

(d) Subsequent Minimum Salary Schedule

	A	B	C	D	E	F	G	H
13		9600		9800				
12	9300	9300	9500	9500	10550			
11	9000	9000	9200	9200	10250	11550	12050	12550
10	8700	8700	8900	8900	9950	11250	11750	12250
9	8400	8400	8600	8600	9650	10950	11450	11950
8	8100	8100	8300	8300	9350	10550	11050	11550
7	7800	7800	8000	8000	9050	10150	10650	11150
6	7500	7500	7700	7700	8750	9750	10250	10750
5	7200	7200	7400	7400	8450	9350	9850	10350
4	6900	6900	7100	7100	8150	8950	9450	9950
3	6600	6600	6800	6800	7850	8550	9050	9550
2	6300	6300	6500	6500	7550	8150	8650	9150
1	6000	6000	6200	6200	7250	7750	8250	8750

	I	J	K	L	M	N	O	P
13								10850
12								10550
11	13050	13550	14350	14850	15350	15850	16350	10250
10	12750	13250	14050	14550	15050	15550	16050	9950
9	12450	12950	13750	14250	14750	15250	15750	9650
8	12050	12550	13250	13750	14250	14750	15250	9350
7	11650	12150	12750	13250	13750	14250	14750	9050
6	11250	11750	12250	12750	13250	13750	14250	8750
5	10850	11350	11750	12250	12750	13250	13750	8450
4	10450	10950	11250	11750	12250	12750	13250	8150
3	10050	10550	10750	11250	11750	12250	12750	7850
2	9650	10150	10250	10750	11250	11750	12250	7550
1	9250	9750	9750	10250	10750	11250	11750	7250

(e) In the case of any professional employe or temporary professional employe who holds a Master's Degree or its equivalent, two (2) additional steps of three hundred dollars ($300) each shall be added to his class.

(f) The mandated salaries provided in this section shall be applicable to all professional and temporary professional employes within their respective class. The annual salaries payable under this section for the school year 1968-1969 and each school year thereafter, shall include an annual service increment for service in the school district during the previous school year by advancing the salary of the professional or temporary professional employe at least one full step on the minimum salary schedule or to the step on which he is entitled to be placed by virtue of years of experience within the school district, whichever is higher.

(g) Any professional employe or temporary professional employe who holds a Master's Degree or its equivalent shall be placed on a step which shall be at least three hundred dollars ($300) in addition to the minimum salary of an employe who holds a college certificate and who does not hold a Master's Degree and who has the same number of years of service in the district.

(h) The salaries and increments provided by this section may be reduced by written agreement between the school district and the employe for the purpose of the school district purchasing a tax-sheltered annuity contract, a retirement income endowment policy, or other similar annuity contract. The reduction shall not exceed the premium for the annuity. ((h) added Dec. 6, 1972, P.L.1338, No.289)

(1142 amended Jun. 12, 1968, P.L.192, No.96)

Section 1143. Minimum Salaries and Increments; Districts Second, Third and Fourth Class and Vocational School Districts.--(1143 repealed Dec. 27, 1951, P.L.1776, No.471)

Section 1144. Additional Increments for College Certificate or Master's Degree.--Any professional employe or temporary professional employe, who, during the term of his employment, shall receive a college certificate or shall earn a Master's Degree, shall, commencing with the next succeeding school term, be entitled to the compensation prescribed for his new status, which shall be at least three hundred dollars ($300) in excess of the annual service increment earned by him during the previous year.

Any temporary professional employe who holds a Master's Degree at the time of his initial employment in the public schools of this Commonwealth shall receive, commencing with the

second year of service, compensation of at least three hundred dollars ($300) in excess of that to which such employe would otherwise be entitled.

(1144 amended Jun. 12, 1968, P.L.192, No.96)

Section 1144.1. Teachers of Applied Arts and Vocational Subjects.--Teachers of applied arts and vocational subjects who hold a standard certificate shall be entitled to the same minimum salary and increments as teachers who hold a college certificate.

Teachers of applied arts and vocational subjects who hold a standard certificate and have earned an additional thirty (30) semester hours of credit in professional education in the teaching field in which said teacher is engaged or related thereto shall be entitled to the same minimum salary and increments as teachers holding a Master's Degree.

(1144.1 added May 11, 1949, P.L.1088, No.319)

Section 1145. Minimum Salaries for Teachers With Emergency Certificates.--In all school districts and vocational school districts, the minimum annual salary of teachers, who hold only emergency certificates for any grade or subject which they teach, shall be one thousand six hundred dollars ($1600).

Section 1146. Part-time Teachers, etc.--The minimum salary of all part-time teachers, supervisors and principals shall be as follows:

(1) Special Education. Teachers having a certificate valid for the subjects in which the teacher is giving instruction, employed to teach children of exceptional physical or mental condition who are unable to attend a regular public school, four dollars ($4.00) per hour. ((1) amended Sep. 17, 1965, P.L.523, No.265)

(2) General Extension Education.

(a) Teachers, supervisors and directors of extension schools and classes holding a certificate valid for the subjects in which the teacher is giving instruction, four dollars ($4.00) per hour.

(b) Teachers, leaders, supervisors and directors of extension recreation activities holding a certificate valid for the subjects in which he is giving instruction, two dollars and fifty cents ($2.50) per hour.

(c) Whenever better qualified recreation teachers and leaders are not available, persons possessing evidence of graduation from an approved four year high school and actual experience in a given field of recreation may be issued an emergency certificate for service in that field, the required minimum salary for whom shall be one dollar and fifty cents ($1.50) per hour.

(3) Teacher load.

(a) Ten (10) clock hours of service per week shall constitute the maximum teacher load for general extension teachers who are also concurrently engaged in full-time day-school teaching or other full-time employment.

(b) Thirty (30) clock hours of service per week shall constitute the maximum teacher load for such teachers not otherwise concurrently employed.

(4) Vocational Extension Education.

(a) Teachers and supervisors in approved programs of vocational adult extension education, four dollars ($4.00) per hour.

(b) All part-time teachers and supervisors in approved

vocational extension education shall be limited to a maximum of ten (10) hours per week at the rate of four dollars ($4.00) per hour. When hours in excess of ten (10) hours per week are assigned the hourly rate shall be adjusted by the district to conform with the established schedule but shall be not less than one dollar and seventy-five cents ($1.75) per hour.

(5) Director load.

(a) Forty-eight (48) clock hours of service per week for fifty (50) weeks shall constitute the maximum load for full-time directors of extension education or recreation programs.

(b) Fifteen (15) clock hours of service per week shall constitute the maximum load for part-time directors of extension education or recreation programs who are concurrently engaged in full-time day-school teaching or other full-time employment the program shall maintain a minimum of twelve (12) classes or activities operating simultaneously.

(c) Forty-eight (48) clock hours of service per week shall constitute the maximum load for part-time directors not otherwise concurrently employed the program shall maintain a minimum of twelve (12) classes or activities operating simultaneously.

(1146 amended Sep. 12, 1961, P.L.1263, No.554)

Section 1147. Increase or Decrease of Usual Number of Periods per Day.--Teachers who are required, because of additional work, to devote more than the usual number of periods per day to their duties, shall be entitled to a fair increase in compensation to be determined by the board of public education or the board of school directors. Teachers, who may be employed in giving instruction for only part of a day, shall render such other service for such period of time per day as the board of school directors may direct, but if such service cannot be assigned to such teacher by the board of school directors, the salary paid to such teacher shall be proportioned to the number of hours of service rendered.

Section 1148. Substitute Teachers.--Substitutes shall be paid not less than the minimum salary provided for by this subdivision, or in the event they are employed for less than a full school year, the proportionate part of such minimum salary equal to the proportionate part of the school year during which they were employed, arrived at by dividing the number of days during which a substitute was employed by the total number of days the schools of the district were in session during the school year.

Section 1149. Increments When Employed by Another District.--The increments herein provided for are applicable only where the beneficiaries thereof remain in the service of the same school district. Where such teachers enter a new district they shall enter at a point in the schedule to be agreed upon between said teachers and the employing districts, which agreements shall be made a part of the contract between them.

Section 1150. Schedules for Teachers, etc. not Provided For.--The board of school directors of each school district shall establish a salary schedule with increments for all members of the teaching and supervisory staff not included in any of the foregoing schedules.

Section 1151. Salary Increases; Demotions.--The salary of any district superintendent, assistant district superintendent or other professional employe in any school district may be

increased at any time during the term for which such person is employed, whenever the board of school directors of the district deems it necessary or advisable to do so, but there shall be no demotion of any professional employe either in salary or in type of position, except as otherwise provided in this act, without the consent of the employe, or, if such consent is not received, then such demotion shall be subject to the right to a hearing before the board of school directors and an appeal in the same manner as hereinbefore provided in the case of the dismissal of a professional employe.

(1151 amended Aug. 8, 1963, P.L.564, No.299)

Section 1152. Compensation in Excess of Schedule; Temporary or Emergency Increases.--The foregoing schedules prescribe a minimum salary in each instance, and where an increment is prescribed, it is also a minimum. It is within the power of the boards of school directors to increase for any person or group of persons, included in any schedule, the initial salary or the amount of an increment or the number of increments.

Nothing contained in this act shall be construed to interfere with or discontinue any salary schedule rights, tenure rights, or other privileges or terms of employment now or heretofore in force in any school district, provided such shall meet the requirements of this act, nor to prevent the adoption of any salary schedule in conformity with the provisions of this act.

In addition to the salaries provided for by this act, the board of directors of each school district is hereby authorized to grant temporary or emergency increases in salaries to members of its teaching or supervisory staff for any period, and to discontinue such increases at the end of the period for which the same were granted, any law to the contrary notwithstanding. In order to pay the amount of salary hereby provided for, the board of school directors of any school district may revise its budget by increasing its appropriation or appropriations for salaries of members of the teaching and supervisory staffs of the school district for any year. The funds therefor shall be provided from unexpended balances in existing appropriations, from unappropriated revenue, if any, or from temporary loans. Any temporary or emergency increases heretofore or hereafter granted by any school district, and the discontinuance thereof at the end of the period for which granted, and any contracts, rights, tenure rights, or other privileges or terms of employment heretofore in effect in any school district, provided the same shall meet the requirements of this act, are hereby ratified, confirmed and made valid, notwithstanding the terms or provisions of any other act or that the same may have been done without previous authority of law.

No school district shall be required to pay any increments provided for hereby to any teacher who is rated unsatisfactory for any part of the probationary period of such teacher.

(1152 reenacted and amended Dec. 20, 1968, P.L.1256, No.398)

Section 1153. Payment of Salaries of Teachers when Prevented from Rendering Services.--When a board of school directors is compelled to close any school or schools on account of contagious disease, the destruction or damage of the school building by fire or other causes, the school district shall be liable for the salaries of the teachers of said school or schools for the terms for which they were engaged. Whenever a teacher is prevented from following his or her occupation as a teacher, during any period of the school term, for any of the

reasons in this section specified, the school district shall be liable for the salary of such teacher for such period, at the rate of compensation stipulated in the contract between the district and the teacher, in addition to the time actually occupied in teaching by such teacher.

Whenever a teacher is prevented by sickness or some other unavoidable circumstance from following his or her occupation, the school district may, at the discretion of the directors, make such payments of compensation during the period of absence from duty as the exigencies of the case may seem to warrant. In the case of sickness, no payments shall be made unless the teacher shall have furnished to the board of school directors a certificate from a physician stating the nature of the sickness and certifying that he or she was unable to perform duties as a teacher.

Section 1154. Payment of Salaries in Cases of Sickness, Injury or Death.--(a) In any school year whenever a professional or temporary professional employe is prevented by illness or accidental injury from following his or her occupation, the school district shall pay to said employe for each day of absence the full salary to which the employe may be entitled as if said employe were actually engaged in the performance of duty for a period of ten days. Any such unused leave shall be cumulative from year to year in the school district of current employment or its predecessors without limitation. All or any part of such accumulated unused leave may be taken with full pay in any one or more school years. No employe's salary shall be paid if the accidental injury is incurred while the employe is engaged in remunerative work unrelated to school duties.

Whenever the boards of school directors of two or more school districts may establish any joint elementary public school, high school or department, or whenever two or more school districts shall merge or form a union school district or administrative unit in accordance with the provisions of sections 291, 292, 293, 294, 295, 296 and 297 of this act, the professional or temporary professional employes employed by the several boards of school directors establishing such joint school or department or merged or union school district or administrative unit shall be entitled to the sick leave accumulated in the individual school districts subsequently establishing such joint school or department or merged or union school district or administrative unit.

Professional and temporary professional employes who sever their employment with one school district and enter into employment with another school district shall be entitled to all accumulated leave not exceeding a maximum of twenty-five (25) working days acquired during their employment in the school districts of the Commonwealth.

The board of school directors may require the employe to furnish a certificate from a physician or other practitioner certifying that said employe was unable to perform his or her duties during the period of absence for which compensation is required to be paid under this section.

The board of school directors of each school district shall maintain and supply annually to each professional and temporary professional employe a copy of a cumulative record of sick leave credited to and used by such professional or temporary professional employe. In any case involving a dispute over the amount of accumulated sick leave, a professional or temporary

professional employe shall have a right of appeal to the Secretary of Education pursuant to such rules and regulations as he may establish. ((a) amended Aug. 18, 1971, P.L.339, No.88)

(b) Whenever a professional or temporary professional employe shall be absent from duty because of a death in the immediate family of said employe, there shall be no deduction in salary of said employe for an absence not in excess of three school days. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. Members of the immediate family shall be defined as father, mother, brother, sister, son, daughter, husband, wife, parent-in-law or near relative who resides in the same household, or any person with whom the employe has made his home. ((b) amended May 24, 1951, P.L.368, No.84)

(c) Whenever a professional or temporary professional employe is absent because of the death of a near relative, there shall be no deduction in the salary of said employe for absence on the day of the funeral. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. A near relative shall be defined as a first cousin, grandfather, grandmother, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, brother-in-law or sister-in-law. ((c) amended Dec. 22, 1965, P.L.1180, No.467)

(d) All compensation required to be paid under the provisions of this act shall be paid to the employe in the same manner and at the same time said employe would have received his salary if actually engaged in the performance of his duties. ((d) amended May 24, 1951, P.L.368, No.84)

(e) Any board of school directors may adopt rules or regulations pertaining to the payment of salaries of employes when absent from duty, extending the period of leave with or without pay in excess of that herein provided, or authorizing leaves with pay for other purposes. This act is not intended to repeal any rule or regulation of any board of school directors now in effect which does provide for such additional compensation or additional period of leave with pay. ((e) amended Dec. 22, 1965, P.L.1180, No.467)

Section 1155. Preferred Claims; Short Term Loans.--The payroll obligations of each school district shall be preferential claims. It shall be the duty of the board of school directors of each district to provide for the payment of payroll obligations before authorizing the payment of any other current expense except for fuel, water, electric service, or such supplies as are actually essential for keeping the schools in session. In order to meet payroll requirements the board shall, if necessary, negotiate such short term loans as are necessary and possible in accordance with the law governing the borrowing powers of the district.

In the event the payment of salaries of employes of any school district is not made when due, the school district shall be liable for the payment of same, together with interest at six per centum (6%) per annum from the due date: Provided, That no school district shall be required to pay interest on unpaid salaries, if the failure to pay salaries is occasioned by the failure of the Commonwealth to make payment of semi-annual allotment of appropriation at the time that such payment is due.

(1155 amended Jun. 30, 1959, P.L.493, No.118)

(e) Supervising Principals.

Section 1161. Employment in Districts Third and Fourth Class.--(1161 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1162. Joint Employment Including Supervisors or Teachers of Special Subjects.--Two or more school districts may, upon the nomination or joint nomination of the county superintendent, district superintendent or supervising principal under whose supervision such districts may be, join in the employment of a supervisor or teacher of drawing, music, or other special subject, for part or all of the schools of such districts and may jointly prescribe his duties and fix and pay his compensation, under and subject to the provisions of this article governing the employment and tenure of professional employes. Such employment of teachers of special subjects shall include, for the purpose of easing the transition period of immigrants residing in such school districts, the employment of special teachers who speak the idiomatic or colloquial language of immigrants residing in such school districts.

(1162 amended Mar. 19, 1970, P.L.189, No.73)

Section 1163. Supervising Principals of Joint Boards or Union or Merged Districts.--(1163 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(f) Sabbatical Leaves of Absence.

Section 1166. Persons Entitled.--Any person employed in the public school system of this Commonwealth who has completed ten (10) years of satisfactory service as a professional employe or member of the supervisory, instructional or administrative staff, or as a commissioned officer, of any board of school directors, county board of school directors, or any other part of the public school system of the Commonwealth, shall be entitled to a leave of absence for restoration of health, study or travel, or, at the discretion of the board of school directors, for other purposes. At least five consecutive years of such service shall have been in the school district from which leave of absence is sought, unless the board of school directors shall in its discretion allow a shorter time: Provided, however, That in the case of professional employes of area vocational-technical schools or technical institutes prior service in the participating school districts shall be credited toward such service requirement. Such leave of absence shall be for a half or full school term or for two half school terms during a period of two years, at the option of such person: Provided, however, if a sabbatical leave is requested because of the illness of an employe, a leave shall be granted for a period equivalent to a half or full school term or equivalent to two half school terms during a period of two years: Provided further, That if a sabbatical leave for one half school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the employe, upon written request prior to the expiration of the original leave, shall be entitled to a further sabbatical leave for one half school term or its equivalent: Provided further, That if a sabbatical leave for a full school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the board of school directors may extend such sabbatical leave for such periods as it may determine but not to exceed one full school term or its equivalent. Thereafter, one leave of absence shall be allowed after each seven years of service.

A sabbatical leave granted to a regular employe shall also operate as a leave of absence without pay from all other school activities.

(1166 amended May 14, 1968, P.L.119, No.62)

Section 1167. Preferences; Limitations.--Applications for leaves of absence shall be given preference, according to the years of service since the previous sabbatical leave of the applicant, and in accordance with regulations adopted by the board of school directors.

No school district shall limit the number of leaves of absence granted in any school year to less than ten per centum (10%) of the number of persons eligible for such leave of absence regularly employed in such district. Schools which have a staff of seven (7) or less teachers shall be permitted at least one leave of absence each term.

(1167 amended Jul. 27, 1953, P.L.629, No.184)

Section 1168. Return to Employment.--No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district for a period of not less than one school term immediately following such leave of absence.

No such leave of absence shall be considered a termination or breach of the contract of employment, and the person on leave of absence shall be returned to the same position in the same school or schools he or she occupied prior thereto.

Upon expiration of a sabbatical leave, by consent of the school board, the requirement that the person on leave of absence shall return to the service of the school district or to the same position in the same school or schools that he or she occupied prior thereto, may be waived. If the school board has not waived the obligation to return to school service upon expiration of the sabbatical leave and the employe fails to do so, unless prevented by illness or physical disability, the employe shall forfeit all benefits to which said employe would have been entitled under the provisions of this act for the period of the sabbatical leave.

If such employe resigns or fails to return to his employment, unless the requirement to return to service is waived by the board of school directors, the amount contributed by the school district under section 1170 of this act to the Public School Employes' Retirement Fund shall be deducted from the refund payable to such employe under existing law and the amount so deducted shall be refunded to the school district by which it was paid.

(1168 amended Sep. 29, 1959, P.L.999, No.412)

Section 1169. Salary While on Leave.--The person on leave of absence shall receive one-half of his or her regular salary during the period he or she is on sabbatical leave.

(1169 amended Jul. 30, 1963, P.L.358, No.190)

Section 1170. Rights Retained.--Every employe, while on sabbatical leave of absence, shall be considered to be in regular full-time daily attendance in the position from which the sabbatical leave was taken, during the period of said leave, for the purpose of determining the employe's length of service and the right to receive increments, as provided by law.

Every person on leave of absence shall continue his or her membership in the School Employes' Retirement Association. The school district shall pay into the School Employes' Retirement Fund on behalf of each such employe on leave, in addition to the

contributions required by law to be made by it, the full amount of the contribution required by law to be paid by the employe, as though said employe were actually in regular full-time daily attendance in the position from which the sabbatical leave was taken, so that such employe's retirement rights shall be in no way affected by such leave of absence. The amount of the contribution required to be paid by the employe shall be deducted from any compensation payable to the employe while on leave.

Nothing in this subdivision of this article shall be construed to prevent any person on leave of absence from receiving a grant for further study from any institution of learning.

(1170 amended Jul. 29, 1953, P.L.1004, No.253)

Section 1171. Regulations.--The board of school directors shall have the right to make such regulations as they may deem necessary to make sure that employes on leave shall utilize such leave properly for the purpose for which it was granted, requiring reports from the employe or employes on leave in such manner as they may deem necessary.

(g) Military Service in Time of War or National Emergency.

Section 1176. Leave of Absence.--

(a) Any employe of any school district, who shall have been regularly employed by any school district or vocational school district for any period, and who shall volunteer for military service in the armed forces of the United States of America in time of war or during a state of national emergency or who shall be inducted for military service in the Armed Forces of the United States of America at any time, shall, within thirty (30) days after the receipt of notice to report for duty, send a copy of such notice to the secretary of the school board by which he is employed. ((a) amended Mar. 20, 1956 (1955), P.L.1309, No.413)

(b) The secretary of the school board shall verify the information contained in the notice from any employe concerning selection or induction into military or naval service, and, upon verification of such facts, shall record the same in the records of the school board and send notice thereof to said employe.

(c) Without further action by the board of school directors, the employe inducted into military or naval service shall forthwith be considered to be upon leave of absence for the entire duration of such service. All rights and privileges shall be reserved to such employe as if he continued in the service of said school board: Provided, That no such leave of absence shall be granted unless said employe shall in writing agree upon termination of the said leave to return to employment in said school district for a period of not less than one year.

Section 1177. Reinstatement in Former School Position.--Upon termination of the military service of such an employe, the school board shall immediately return said employe to the same position in the same school or schools, from which said employe was granted leave of absence, or if this is impracticable in the opinion of the board, then to a similar position.

(1177 amended Mar. 20, 1956 (1955), P.L.1309, No.413)

Section 1178. Rights Preserved During Leave of Absence.--(a) Wherever a contract is required by law and wherever a contract actually exists between the school board and the employe, the same shall be considered to continue in full force and effect

during said leave of absence.

(b) Increments shall not be abated during said leave of absence, but shall continue to accrue to such employes.

(c) The school district shall pay into the School Employes' Retirement Fund on behalf of each such employe, in addition to the contributions required by law to be made by it, the full amount of the contribution required by law to be paid by the employe, so that such employe's retirement rights shall in no way be affected by such leave of absence. If any such employe resigns, or fails to return to his employment as provided in this act, the amount contributed by the schcol district under this subsection shall be deducted from the refund payable to such employe under existing law, and the amount so deducted shall be refunded to the school district by which it was paid. If any such employe shall return within one year from the date of his discharge from military service to school service in any other school district within this Commonwealth, or as an employe of any institution or board, the employes of which are entitled to membership in the School Employes' Retirement Association in accordance with the provisions of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043), as amended, he shall be entitled to have full credit for each year he spent in military or naval service upon his restoring to the School Employes' Retirement Fund, to the credit of the annuity savings account, his total accumulated deductions in the amount they should have been at the time he resigned from, or failed to return to, the school district from which he entered the military or naval service. Such back payments may either be paid in a lump sum or by such monthly payroll deductions as may be approved by the school employes' retirement board.

(d) The period of said leave of absence shall be considered as service to the school board in the matter of seniority rights and credit toward the time necessary for sabbatical leave. Such leave shall not be regarded as a sabbatical leave.

Section 1179. Continuation of State Appropriations.--During the period of said leave of absence, if a qualified substitute is employed, the Commonwealth shall pay the school board the full amount of State contribution or grant as if the employe were performing his regular school duties for the schocl board.

Section 1180. Rights of Persons on Eligibility Lists.--(a) No person who shall have acquired a place upon the eligibility list for any position in any school district shall suffer the loss of such listing and the position thereon as the result of such inducting into military or naval service. It shall be the duty of the school board to provide a fair and equitable method of preserving rights of such persons.

(b) Any person who shall have entered the military or naval services as aforesaid and whose name shall be reached upon said eligibility lists for any position in any school district shall be appointed to said position as if such person were in fact available for actual service in said position, and such person shall be so notified by the secretary of the school board of said district, and thereafter all of the provisions of this subdivision of this article shall apply.

Section 1181. Applicability and Intent.--The provisions of this subdivision of this article shall apply to all employes of all school districts who volunteer or are inducted into the military or naval service under the laws of the United States of

America.

It is the intention that such employes so effected shall retain all of the rights and privileges they shall have acquired prior to assignment to service under Federal statutes or any such rights and privileges they would have acquired or received if they had not been assigned to such service. It is intended that such employes assigned to such service shall be considered in all respects to be continuing in the service of the school board for which they were last working prior to such assignment to military or naval service.

(h) Meetings of Teachers. ((h) repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1186. County Superintendents to Call Meetings.--(1186 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1187. Attendance Records and Reports; Expenses of Meeting.--(1187 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1188. Compensation of Teachers Attending.--(1188 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1189. Penalty on Teachers Failing to Attend.--(1189 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1190. Auditors.--(1190 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1191. Statement of Receipts and Disbursements.--(1191 repealed Jan. 14, 1970 (1969), P.I.468, No.192)

Section 1192. Expenses Paid by County; Limitation.--(1192 repealed Jan. 14, 1970 (1969), P.I.468, No.192)

Section 1193. Reports to Department of Public Instruction.--(1193 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1194. Districts Having District Superintendent.--(1194 repealed Jan. 14, 1970 (1969), P.I.468, No.192)

ARTICLE XII.
CERTIFICATION OF THE TEACHERS.

Section 1201. Certificates Qualifying Persons to Teach.--Only those persons holding one of the follcwing certificates shall be qualified to teach in the public schools of this Commonwealth--(1) Permanent college certificate, (2) provisional college certificate, (3) normal school diploma, (4) normal school certificate, (5) special permanent certificate, (6) special temporary certificate, (7) permanent State certificate, (8) certificates which are permanent licenses to teach by virtue of the provisions of section one thousand three hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), as amended, which is repealed hereby, or (9) such other kinds of certificates as are issued under the standards prescribed by the State Board of Education. The State Board of Education shall also provide for issuance of certificates by district superintendents to meet such emergencies or shortage of teachers as may occur.

(1201 amended Jan. 14, 1970 (1969), P.I.468, No.192)

Section 1202. State Certificates.--State certificates shall be issued as herein provided. Each such certificate shall set forth the branches which its holder is entitled to teach. No teacher shall teach, in any public school, any branch which he has not been properly certificated to teach.

A certificate to teach shall not be granted or issued to any person not a citizen of the United States, except in the case of exchange teachers not permanently employed and teachers employed for the purpose of teaching foreign languages.

In the case of a resident foreign national holding an immigrant visa who has declared, in writing, to the Department of Public Instruction the intention of becoming a citizen of the United States, such person shall be eligible for a provisional college certificate.

(1202 amended Dec. 21, 1967, P.L.874, No.387)

Section 1203. Kinds of State Certificates.--State certificates hereafter granted shall include the following:

Provisional College Certificates,

Permanent College Certificates,

Certificates issued by other states and validated by the Superintendent of Public Instruction,

Special Temporary Certificates,

Special Permanent Certificates.

All persons receiving any of such certificates shall have qualifications not less than graduation from a State Teachers' College of this Commonwealth, or equivalent training.

Every college certificate shall set forth the names of the college or university from which its holder was graduated. State certificates shall entitle their holders to teach in every part of this Commonwealth for the terms herein specified.

Section 1204. Granting Provisional College Certificates.--The Superintendent of Public Instruction may grant a provisional college certificate to every person who presents to him satisfactory evidence of good moral character, and of being a graduate of an approved college or university, who has completed such work in education as may be required by the standards of the State Board of Education, and to every person who presents to him satisfactory evidence of good moral character, and of being a graduate of music, with the degree of bachelor of music of an approved college or university, who has during such musical course completed the prescribed number of hours of professional studies, which certificate shall entitle him to teach for three annual school terms, and may be renewed for one additional three-year period in accordance with standards to be established by the State Board of Education.

(1204 amended Oct. 21, 1965, P.L.601, No.312)

Section 1205. Issuing Permanent College Certificates.--The Superintendent of Public Instruction shall issue a permanent college certificate to every graduate of an approved college or university, and of such departments therein as are approved by him, when such graduate furnishes satisfactory evidence of good moral character and successful experience of three years' teaching on a provisional college certificate in approved elementary or secondary schools, in private institutions from which the Department of Public Instruction purchases services on a tuition basis, and in state-aided and state-owned secondary schools, and has completed such work in education as may be required by the standards of the State Board of Education. Such work in education shall not exceed that required as of the time of graduation of such graduates from colleges or universities approved by the State Board of Education. Such certificates shall entitle its holder to teach without further examination.

(1205 amended Jul. 22, 1970, P.L.540, No.183)

Section 1206. Certificates Issued by Other States.--The Superintendent of Public Instruction may validate in this Commonwealth teachers' certificates issued by other states, or by the State normal schools or colleges of other states, whose requirements are equivalent to those of this Commonwealth. Such

validation of certificates may be revoked by the Superintendent of Public Instruction at any time.

Section 1207. Special Temporary or Permanent Certificates.--The Superintendent of Public Instruction shall provide for special examinations, and for temporary or permanent certificates, for teachers of kindergartens, drawing, vocal music, manual training, physical training and other special branches.

The Superintendent of Public Instruction may issue temporary or permanent certificates for the teaching of such special subjects to graduates of approved special schools of such subjects, under such conditions as he may make.

Section 1208. Summer Schools, etc.--The State Board of Education shall provide for summer schools in State colleges, colleges, universities and other educational institutions, and for extension courses and correspondence courses for all teachers employed in the public school system of the Commonwealth who wish to acquire the minimum qualifications prescribed herein, or such further qualifications as may be desirable.

(1208 amended Oct. 21, 1965, P.L.601, No.312)

Section 1209. Disqualifications.--No teacher's certificate shall be granted to any person who has not submitted, upon a blank furnished by the Superintendent of Public Instruction, a certificate from a physician legally qualified to practice medicine in this Commonwealth, or in any other state or the District of Columbia, setting forth that said applicant is neither mentally nor physically disqualified, by reason of tuberculosis or any other communicable disease or by reason of mental disorder from successful performance of the duties of a teacher; nor to any person who has not a good moral character, or who is in the habit of using opium or other narcotic drugs in any form, or any intoxicating drink as a beverage, or to any applicant who has a major physical disability or defect unless such a person submits a certificate signed by an official of the college or university from which he was graduated or of an appropriate rehabilitation agency, certifying that in the opinion of such official the applicant, by his work and activities, demonstrated that he is sufficiently adjusted, trained and motivated to perform the duties of a teacher, notwithstanding his impediment.

(1209 amended Apr. 15, 1959, P.L.41, No.16 and Jan. 24, 1959, P.L.485, No.110)

Section 1210. Existing Certificates.--All teachers' certificates in force in this Commonwealth at the time this act goes into effect shall continue in full force and effect, subject to all the terms and conditions under which they were issued, until they expire by virtue of their own limitations, unless they are sooner annulled for the reason and in the manner herein provided.

State Normal School certificates heretofore issued by the State Normal Schools of this Commonwealth shall entitle their holders to teach for two annual school terms.

Diplomas heretofore issued by the State Normal Schools of this Commonwealth shall entitle their holders to teach without further examination.

Section 1211. Annulment of Certificates.--All State certificates or endorsements of the certificates of other states may be annulled by the Superintendent of Public Instruction for

incompetency, cruelty, negligence, immorality or intemperance, after hearing, of which reasonable notice in writing must be given to the parties interested.

Section 1212. Registration and Record of Certificates.--Before entering upon the work of teaching, every holder of a permanent, special or State certificate, of any kind, shall present it, for registration, to the proper superintendent, who shall record its kind, number, and date of issue, together with the branches which it covers. Whenever new branches are added to any certificate, these shall be added to the record upon presentation of said certificate to the superintendent.

Every district superintendent shall keep an accurate record of all valid certificates held by the teachers of the schools within his jurisdiction.

(1212 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1213. Standard Limited Certificates.--All standard limited certificates in force in this Commonwealth at the time this section takes effect shall become permanent and no additional requirements shall be added hereafter to keep them in full force and effect or otherwise to validate such certificates provided the holders of such certificates have satisfactorily taught at least ten (10) years in the public or nonpublic schools, or both, of the Commonwealth and have earned at least ninety (90) semester credit hours of undergraduate or graduate study.

(1213 added Aug. 13, 1971, P.L.338, No.87)

ARTICLE XIII.
PUPILS AND ATTENDANCE.
(a) Attendance.

Section 1301. Age Limits; Temporary Residence.--Every child, being a resident of any school district, between the ages of six (6) and twenty-one (21) years, may attend the public schools in his district, subject to the provisions of this act. The board of school directors of any school district may admit to the schools of the district, with or without the payment of tuition, any non-resident child temporarily residing in the district, and may require the attendance of such non-resident child in the same manner and on the same conditions as it requires the attendance of a resident child.

Section 1302. Residence and Right to Free School Privileges.--A child shall be considered a resident of the school district in which his parents or the guardian of his person resides. Federal installations are considered a part of the school district or districts in which they are situate and the children residing on such installations shall be counted as resident pupils of the school district. When a resident of any school district keeps in his home a child of school age, not his own, supporting the child gratis as if it were his own, such child shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district, and shall be subject to all the requirements placed upon resident school children of the district. Before accepting such child as a pupil, the board of school directors of the district may require such resident to file with the secretary of the board a sworn statement that he is a resident of the district, that he is supporting the child gratis, that he will assume all personal

obligations for the child relative to school requirements, and that he intends to so keep and support the child continuously and not merely through the school term.

(1302 amended Dec. 14, 1967, P.L.859, No.381)

Section 1303. Immunization Required; Penalty.--(a) It shall be the duty of all school directors, superintendents, principals, or other persons in charge of any public, private, parochial, or other school including kindergarten, to ascertain that every child, prior to admission to school for the first time has been immunized, as the Secretary of Health may direct, against such diseases as shall appear on a list to be made and from time to time reviewed by the Advisory Health Board. All certificates of immunization shall be issued in accordance with the rules and regulations promulgated by the Secretary of Health with the sanction and advice of the Advisory Health Board.

(b) Any person who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions or requirements of this section, except as hereinafter provided, shall, for every such offense, upon summary conviction thereof, be sentenced to pay a fine of not less than five dollars ($5) nor more than one hundred dollars ($100), and in default thereof, to undergo an imprisonment in the jail of the proper county for a period not exceeding sixty (60) days. All such fines shall be paid into the treasury of the school district.

(c) The provisions of this section shall not apply in the case of any child deemed to have a medical contraindication which may contraindicate immunization and so certified by a physician. Such certificates may be accepted in lieu of a certificate of immunization.

(d) The provisions of this section shall not apply in the case of any child whose parent or guardian objects in writing to such immunization on religious grounds.

(1303 added Apr. 11, 1974, P.L.258, No.67)

Section 1304. Admission of Beginners.--The admission of beginners to the public schools shall be confined to the first two weeks of the annual school term in districts operating on an annual promotion basis, and to the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis. Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall, and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester. The board of school directors of any school district may admit beginners who are less than five years and seven months of age, in accordance with standards prescribed by the State Board of Education. The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the supervisor of special education or a properly certificated public school psychologist in accordance with standards prescribed by the State Board of Education.

The term "beginners," as used in this section, shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level.

(1304 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1305. Non-resident Child Placed in Home of Resident.--(a) When a non-resident child is placed in the home of a resident of any school district by order of court or by

arrangement with an association, agency, or institution having the care of neglected and dependent children, such resident being compensated for keeping the child, any child of school age so placed shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district. ((a) amended Feb. 17, 1956 (1955), P.L.1065, No.342)

(b) Any resident of any school district, before accepting custody of a non-resident child of school age for compensation by order of court or by arrangement with an association, agency, or institution having the care of dependent or neglected children, must secure, from the superintendent of schools or school board in that district, a statement in writing that the child can be accommodated in the schools of the district or that the child can not be accommodated and the reasons therefor. If such statements are not furnished within two weeks after a request in writing has been made to the board's secretary, the superintendent of schools, the board's assent shall be assumed, and the child shall be admitted to the schools of the district as a pupil. If such statement sets forth conditions such as to exempt the district under this section from accepting the child as a pupil, and if such exemption is not disapproved on appeal by the Superintendent of Public Instruction, and if other arrangement for the child's schooling satisfactory to the district superintendent is not made, the child may not be placed in the district.

Appeal from the claim of any school district for exemption, as provided in this section, may be taken to the Superintendent of Public Instruction, and his decision thereon after investigation shall be final.

((b) amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1306. Non-resident Inmates of Children's Institutions.--(a) The board of school directors of any school district in which there is located any orphan asylum, home for the friendless, children's home, or other institution for the care or training of orphans or other children, shall permit any children who are inmates of such homes, but not legal residents in such district, to attend the public schools in said district, either with or without charge for tuition, text books, or school supplies, as the directors of the district in which such institution is located may determine. When any home or institution having for its purpose the care and training of children and having non-resident children under its care, is located in more than one school district, educational facilities may be provided by either district as though the institution were located wholly in that district. If the district or districts in which the institution is located does not have facilities to accommodate the children in its schools or in a joint school of which it is a member, the board of directors shall so notify the Superintendent of Public Instruction not later than July one. If the Superintendent of Public Instruction, after investigation, finds that neither the school district nor the joint school board, if any, can accommodate the non-resident inmates of the institution during the ensuing school term, he shall direct the district and the joint school board, if any, to enter into an agreement with another school district or joint school board to accept them on a tuition

basis.

(b) Whenever non-resident children attend the public schools in such district, they shall be furnished proper transportation provided for resident children, and the district furnishing or providing the transportation shall be reimbursed in the same manner as provided for resident children.

(1306 amended Sep. 7, 1955, P.L.583, No.151 and Feb. 17, 1956 (1955), P.L.1067, No.344)

Section 1307. Counties, Other Than Second Class, Responsible for Payment of Tuition.--In any county, other than a county of the second class, whenever any child is an inmate of an orphan asylum or home or a children's home or a home for the friendless or a private home or other institution for the care or training of orphans or other children, and the maintenance of such children is provided at the cost of the county or the county institution district wherein it is located, and such child attends the public schools of the school district wherein such home or institution is located, although not a legal resident of such district, the county shall in all such cases pay to such school district the tuition charge provided for by this act in the case of pupils attending public schools of another district. Such costs shall be paid annually by the county and shall thereafter be collected by the county from the school district in which such child is a legal resident.

Section 1308. Liability for Tuition and Enforcement of Payment.--In all cases not covered by the preceding section if a charge is made by any school district for tuition for the inmates of any such institution, the officers of the institution shall submit to the board of school directors a sworn statement, setting forth the names, ages, and school districts liable for tuition of all children who are inmates thereof, and desire to attend public school in the district, together with a blank acknowledging or disclaiming residence, signed by the secretary of the school district in which the institution declares the legal residence of the child to be. If said district shall fail to file said blank with said institution within fifteen (15) days from the date it is sent to the district by the institution by registered mail, the institution shall again notify the district of its failure to comply with the provisions of this act. If the district shall fail to comply within fifteen (15) days following the second notice, said failures to return the blank shall be construed as an acknowledgement of said child's residence. The tuition of such inmates as are included in the sworn statement to the board of school directors shall be withheld by the Superintendent of Public Instruction from any moneys due to the district liable for said tuition upon receipt of a sworn statement setting forth the names, ages, tuition charges, and school district liable for tuition of said inmates. All money thus withheld shall be paid by him to the district entitled to receive the same. The district so charged with tuition may file an appeal with the Superintendent of Public Instruction, in which it shall be the complainant and the institution the respondent. The decision of the Superintendent of Public Instruction, as to which of said parties is responsible for tuition, shall be final.

If any inmates have been received from outside of Pennsylvania, or if the institution cannot certify as to their residence, their tuition shall be paid by the institution having the care or custody of said children. If the Superintendent of

Public Instruction decides that the legal residence of any of said inmates is in Pennsylvania, but cannot be fixed in a particular district, the Commonwealth shall pay the tuition of such inmate out of moneys appropriated to the Department of Public Instruction by the General Assembly for the maintenance and support of the public schools of the Commonwealth.

Section 1309. Cost of Tuition; How Fixed.--The cost of tuition in such cases shall be fixed as is now provided by law for tuition costs in other cases, except where, for the accommodation of such children, it shall be necessary to provide a separate school or to erect additional school buildings, in which cases the charge for tuition for such children may include a proportionate cost of the operating expenses, rental, and interest on any investment required to be made in erecting such new school buildings. The tuition herein provided for shall be paid annually by the Superintendent of Public Instruction or the institution as the case may be.

Section 1310. Assignment of Pupils to Schools.--The board of school directors of every school district or joint school shall, for the purpose of designating the schools to be attended by the several pupils in the district or area served by the joint board, subdivide the district or joint school in such manner that all the pupils in the district shall be assigned to, and reasonably accommodated in, one of the public schools in the district or joint school. The board of school directors may, upon cause shown, permit any pupil or pupils in any school district to attend such other school in the district as the board may deem proper, or may classify and assign the pupils in the district to any school or schools therein as it may deem best, in order to properly educate them. Whenever any child or children of compulsory school age have their residence more than two (2) miles by the nearest public highway from the school within the district to which they have been assigned, and free transportation for such child or children to a school within the district is not provided, and there is a school in session in some other district in the Commonwealth within two (2) miles by the nearest public highway of the residence of such child or children, the board of school directors shall, with the consent of the board of school directors of such other district, reassign such child or children to such school in the other district, and shall pay to said district the tuition charge provided for by this act. This provision shall include in like manner assignment to high schools in the case of pupils of compulsory school age who are qualified to be enrolled in such high schools. It shall be unlawful for any school directors, superintendent, or teacher to make any distinction whatever, on account of, or by reason of, the race or color of any pupil or scholar who may be in attendance upon, or seeking admission to, any public school maintained wholly or in part under the school laws of the Commonwealth.

(1310 amended Oct. 19, 1959, P.L.1324, No.449)

Section 1311. Closing Schools.--(a) The board of school directors of any school district may, on account of the small number of pupils in attendance, or the condition of the then existing school building, or for the purpose of better gradation and classification, or other reasons, close any one or more of the public schools in its district. Upon such school or schools being closed, the pupils who belong to the same shall be assigned to other schools, or upon cause shown, be permitted to

attend schools in other districts.

(b) Whenever the average term attendance of pupils regularly enrolled at any one-room school in any school district of the fourth class or in any district of the third class, which is located wholly within the boundary lines of a township, is ten (10), or less than ten (10), the board of school directors shall close such school. If the board of school directors does not deem it feasible to close such school, it may present its petition to the Department of Public Instruction, showing the reasons why such school should not be closed. Thereupon the department shall consider such petition, and shall make such order as may seem just in the premises. If any school has been closed because the average term attendance of pupils enrolled was ten (10), or less than ten (10), and has been reopened upon order of the department, and the average term attendance is twelve (12), or more, after such reopening, such school shall be considered re-established. ((b) amended Oct. 21, 1965, P.L.601, No.312)

Section 1312. Free Transportation Where Schools Closed in Certain Districts.--In any district of the fourth class or any district of the third class, which is located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, elementary school pupils who reside within that part of the school district last served by any elementary school closed since the first Monday of July, one thousand nine hundred seven, or within a district all of whose schools have been closed, or who are assigned to a training school of a State teachers' college, and reside one and one-half miles or more from the school to which they are assigned, shall be furnished proper transportation, at the expense of the district, to and from the elementary school to which they are assigned.

(1312 amended May 11, 1949, P.L.1195, No.361)

Section 1313. Attendance in Other Districts.--Where any pupil in any school district resides one and one-half miles, or more, by the public road, from the nearest public elementary school in the district, such pupil, unless proper free transportation is furnished to a suitable school in the district, may attend any public elementary school in another school district more convenient of access, on obtaining the consent of the board of school directors of such other school district, and without the consent of the board of school directors of the district where such pupil resides. The district where such pupil resides shall promptly pay, to the district where such pupil attends, the tuition charge provided for by this act. The board of school directors of any district may, on account of convenience of access, or other reasons, permit any pupils to attend the schools of another district.

Section 1314. Attendance in District to Which Territory of Residence Formerly Attached.--All pupils residing in any territory belonging to any school district established by the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), which territory at the time of the approval of said act was attached to another school district for school purposes, may, if they so desire, attend during the entire school term of each year the public schools in the district to which the territory in which they reside was formerly attached. The district in which they reside shall pay

to the district in which they attend the tuition charge provided for by this act: Provided, That if the school districts in which such pupils now reside has or shall hereafter, by the establishment of new schools or otherwise, provide within reasonable distance proper school facilities of like grades to those in the district to which they were formerly attached, then in any such case, such pupils shall attend the schools in the district in which they reside. In case of dispute, the decision of the Superintendent of Public Instruction as to sufficiency and reasonableness of the school facilities provided by the school district in which such pupils reside shall be final.

Section 1315. Assignment to School in Another State; Receiving Pupils from Other States.--Where any child of school age in any school district resides one and one-half miles or more by the nearest traveled road from the nearest public elementary school or three miles or more from the nearest high school in the district, such child unless proper free transportation is furnished to a suitable school in this Commonwealth may on request of his parents or legal guardian be assigned by the board of school directors to a more convenient school in another state: Provided, That the consent of the proper school officials in charge of such school in another state to such an arrangement is permitted by the laws of such state and is agreed to by such officials. The tuition of any such pupil attending a school in another state may be paid by the board of school directors of the district in which he is a resident, as in the case of a pupil attending a public school in this Commonwealth in a district in which he is not a resident.

The board of school directors in any school district situate adjacent to another state may admit to the public schools in such district pupils resident in such other state and may receive tuition for such pupils, as in the case of pupils admitted from other districts in this Commonwealth.

Section 1316. Permitting Attendance of Non-resident Pupils.--The board of school directors of any school district may permit any non-resident pupils to attend the public schools in its district upon such terms as it may determine, subject to the provisions of this act.

Section 1317. Authority of Teachers, Vice Principals and Principals over Pupils.--Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them.

(1317 amended Jul. 25, 1963, P.L.315, No.169)

Section 1318. Suspension and Expulsion of Pupils.--Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board.

(1318 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1319. Confidentiality of Student Communications.--

(1319 repealed Apr. 28, 1978, P.L. , No.53)

(b) Enforcing Attendance.

Section 1326. Definitions.--The term "compulsory school age," as hereinafter used, shall mean the period of a child's life from the time the child's parents elect to have the child enter school, which shall be not later than at the age of eight (8) years, until the age of seventeen (17) years. The term shall not include any child who holds a certificate of graduation from a regularly accredited senior high school.

The term "migratory child," wherever used in this subdivision of this article, shall include any child domiciled temporarily in any school district for the purpose of seasonal employment, but not acquiring residence therein, and any child accompanying his parent or guardian who is so domiciled.

Section 1327. Compulsory School Attendance.--Every child of compulsory school age having a legal residence in this Commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. In lieu of such school attendance, any child fifteen years of age with the approval of the district superintendent and the approval of the Superintendent of Public Instruction, and any child sixteen years of age with the approval of the district superintendent of schools, may enroll as a day student in a private trade school or in a private business school licensed by the Department of Public Instruction, or in a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Every parent, guardian, or other person having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. Such parent, guardian, or other person having control or charge of any child or children, fifteen or sixteen years of age, in accordance with the provisions of this act, may send such child or children to a private trade school or private business school licensed by the Department of Public Instruction, or to a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Such child or children shall attend such school continuously through the entire term, during which the public schools in their respective districts shall be in session, or in cases of children of migrant laborers during the time the schools are in session in the districts in which such children are temporarily domiciled. The financial responsibility for the education of such children of migrant laborers shall remain with the school district in which such children of migrant laborers are temporarily domiciled; except in the case of special schools or classes conducted by an intermediate unit and approved by the Department of Public Instruction or conducted by the Department of Public Instruction. The certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the

subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof. Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section, if such instruction is satisfactory to the proper district superintendent of schools.

(1327 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1328. Compulsory Education of Physical Defectives.--Every parent, guardian, or other person, having control or charge of any child of compulsory school age who is deaf or blind, or is so crippled, or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident, shall allow such child to be sent to some school where proper provision is made for the education of the deaf, or of the blind, or of crippled children, or shall provide for the tuition of such child by a legally certified private tutor.

Section 1329. Excuses from Attending School.--The board of school directors of any school district may, upon certification by any licensed practitioner of the healing arts or upon any other satisfactory evidence being furnished to it, showing that any child or children are prevented from attending school, or from application to study, on account of any mental, physical, or other urgent reasons, excuse such child or children from attending school as required by the provisions of this act, but the term "urgent reasons" shall be strictly construed and shall not permit of irregular attendance. In every such case, such action by the board of school directors shall not be final until the approval of the Department of Public Instruction has been obtained. Every principal or teacher in any public, private, or other school may, for reasons enumerated above, excuse any child for non-attendance during temporary periods.

(1329 amended Dec. 28, 1959, P.L.2021, No.742)

Section 1330. Exceptions to Compulsory Attendance.--The provisions of this act requiring regular attendance shall not apply to any child who--

(1) Has attained the age of sixteen (16) years, and who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to law;

(2) Has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State Board of Education. ((2) amended Oct. 21, 1965, P.L.601, No.312)

(3) Has attained the age of fifteen (15) years and is engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence, in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe;

(4) Has attained the age of fourteen (14) years and is engaged in farm work or domestic service in a private home on a permit issued as provided in clause (3) of this section, and who

has satisfactorily completed, either in public or private schools, the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district in which he resides, if the issuance of such a permit has first been recommended by the district superintendent of schools having supervision of the schools of the district where such child resides, or by the principal of the private school where such child is enrolled, and the reason therefor has been approved by the Superintendent of Public Instruction; ((4) amended Jan. 14, 1970 (1969), P.L.468, No.192)

(5) Except in districts of the fourth class and those of the third class located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, resides two miles or more by the nearest public highways from any public school in session and no proper free transportation is furnished to such child to and from school. ((5) amended May 11, 1949, P.L.1195, No.361)

Section 1331. Free Transportation or Board and Lodging.--In case there is no public school with the proper grades in session within two miles by the shortest public highway of the residence of any child in a school district of the fourth class, or in a township which is a school district of the third class, or in a borough which has a population of less than five hundred (500) inhabitants to the square mile and which is a school district of the third class, such child shall be furnished proper transportation at the expense of the school district to and from a school with the proper grades. When it is not feasible to provide such transportation, the board of school directors may, in lieu thereof, with the approval of the Department of Public Instruction, pay for suitable board and lodging for any such child.

(1331 amended May 11, 1949, P.L.1195, No.361)

Section 1332. Reports of Enrollments; Attendance and Withdrawals; Public and Private Schools.--Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

(1332 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1333. Penalties for Violation of Compulsory Attendance Requirements.-- Every parent, guardian, or person in parental relation, having control or charge of any child or children of compulsory school age, who shall fail to comply with the provisions of this act regarding compulsory attendance, shall on summary conviction thereof, be sentenced to pay a fine, for the benefit of the school district in which such offending person resides, not exceeding two dollars ($2) for the first offense, and not exceeding five dollars ($5) for each succeeding offense, together with costs, and, in default of the payment of such fine and costs by the person so offending, shall be sentenced to the county jail for a period not exceeding five (5) days. Any person sentenced to pay any such fine may, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county, upon entering into a recognizance, with one or more proper sureties, in double the amount of penalty and costs. Before any proceedings are instituted against any parent, guardian, or person in parental relation, for failure to comply with the provisions of this act, the district superintendent, attendance officer, or secretary of the board of school directors, shall give the offending person three (3) days' written notice of such violation. If, after such notice has been given, the provisions of this act regarding compulsory attendance are again violated by the persons so notified, at any time during the term of compulsory attendance, such person, so again offending, shall be liable under the provisions of this section without further notice.

(1333 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1334. Children Lacking Clothing or Food.--Whenever the board of school directors, or the attendance officer, home and school visitor, superintendent, or secretary of any board of school directors, ascertains that any child of compulsory school age, who is by the provisions of this act required to attend the public schools in the district over which such board of school directors has control, is unable to do so, on account of lack of necessary clothing or food, such case shall be promptly reported to any suitable relief agency operating in the school district, or, if there is no such suitable relief agency to which the case can be referred, it shall be reported to the proper county board of assistance for investigation and relief.

(1334 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1335. Furnishing Food, Including Milk, to School Children.--The directors in all school districts are hereby authorized and empowered to furnish food, including milk, to the under-nourished and poor school children attending the schools within their districts at the expense of the school district. The provisions of this section shall not be limited or affected by the acceptance and distribution by school directors of surplus commodities made available by the Federal Government.

Section 1336. Furnishing Vitamin Products to Pupils.--(1336 repealed May 9, 1949, P.L.939, No.263)

Section 1337. Nonprofit School Food Program.--(a) Definitions. For the purpose of this section--"school food program" means a program under which food is served by any school on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States.

(b) Expenditure of Federal Funds. The Department of

Education is hereby authorized tc accept and direct the disbursement of funds appropriated by any act of Congress, and apportioned to the State, for use in connection with school food programs. The Department of Education shall deposit all such funds received from the Federal Government in a special account with the Treasurer of the State who shall make disbursements therefrom upon the direction of the Department of Education.

(c) Administration of Program. The Department of Education may enter into such agreements with any agency of the Federal Government, with any board of school directors, or with any other agency or person prescribe such regulations, employ such personnel, and take such other actien as it may deem necessary to provide for the establishment, maintenance, operation and expansion of any school food program, and to direct the disbursement of Federal and State funds in accordance with any applicable provisions of Federal or State law. The Department of Education may give technical advice and assistance to any board of school directors in connection with the establishment and operation of any school food program, and may assist in training personnel engaged in the operation of such program. The Department of Education, and any board of school directors, may accept any gift for use in connection with any school food program.

(d) Boards of School Directors. Pursuant to any power of boards of school directors to operate or provide for the operation of school food programs in schools under their jurisdiction, boards of school directors may use therefore funds disbursed to them under the provisions of this section, gifts and other funds, received from sale of school food under such programs.

(e) Accounts, Records, Reports and Operations. The Department of Education shall prescribe regulatiens for the keeping of accounts and records, and the making of reports by, or under the supervision of boards of school directors. Such accounts and records shall at all times be available for inspection and audit by authorized officials, and shall be preserved for such period of time, not in excess of five years, as the Department of Education may lawfully prescribe. The Department of Education shall conduct or cause to be conducted such audits, inspections, and administrative reviews of accounts, records, and operations with respect to school food programs, as may be necessary to determine whether its agreements with boards of school directors, and regulations made pursuant to this section, are being complied with, and to insure that school food programs are effectively administered.

(f) Studies, Appraisals and Reports to Governor. The Department of Education is hereby authorized, to the extent that funds are available for that purpose and in cooperation with other appropriate agencies and organizations, to conduct studies of methods of improving and expanding school food programs and promoting nutritional education in the schools, to conduct appraisals of the nutritive benefits of school food programs and to report its findings and recommendations, from time to time, to the Governor.

(1337 amended Dec. 6, 1972, P.L.1430, No.314)

Section 1338. Delinquent Children.--In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the

presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, secretary, or attendance officer, under such rules and regulations as the board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or delinquent children.

(1338 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1339. Reports to Superintendent of Public Instruction.--Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof, in such detail as said Superintendent of Public Instruction shall request.

(c) Attendance Officers and Home and School Visitors. ((c) amended May 9, 1949, P.L.939, No.263)

Section 1341. Duty to Employ; Power of Arrest; Certification.--The board of school directors of every school district district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Public Instruction, upon meeting such standards as shall be prescribed by the State Board of Education.

Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

(1341 amended Oct. 21, 1965, P.L.601, No.312)

Section 1342. Term of Employment; Compensation.--Attendance officers or home and school visitors may be employed for the full calendar year, and shall be paid such amounts and in such manner as the board of school directors appointing them may decide. They shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them.

In districts of the first class the minimum salaries of attendance officers and home and school visitors in elementary schools shall be: Minimum annual salary, one thousand two hundred dollars ($1200); minimum annual increment, one hundred dollars ($100); minimum number of increments, ten (10). No school district of the first class shall, reduce the compensation of any attendance officer below that paid on the second day of July, one thousand nine hundred thirty-seven.

Section 1343. Arrest of Children Failing to Attend School.--When an attendance officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian,

or person in parental relation to place said child in a school other than public school, he shall place said child in the public school in which the child is, or should be, enrolled.

Section 1344. Inspecting Places Where Children are Employed.--Attendance officers shall have full power and authority to enter, during business hours, any place where any children are employed, to ascertain whether or not any child is engaged therein that should attend school as herein provided, and such attendance officer shall have the right to demand and inspect the employment certificate of any child engaged therein.

Section 1345. Penalty for Interfering with Inspections.--Any officer, director, superintendent, manager, employe, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, or the district superintendent of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars ($5) or more than twenty-five dollars ($25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county.

(1345 amended Jan. 14, 1970 (1969), P.L.468, No.192)

(d) Enumeration of School Children.

Section 1351. Duty to Make; Penalty for Interfering.--The board of school directors of each school district shall maintain a continuing school census or in lieu thereof shall, between March first and September first of each year, cause to be made by the attendance officers, teachers, or other persons employed for this purpose, a careful, correct, and accurate enumeration of all the children from birth to eighteen (18) years of age within their district, giving the full name, date of birth, age, sex, nationality, place of residence in such school district, name and address of parent or persons in parental relation, the name and location of the school where the child is enrolled or belongs, and the name and address of the employer of any child under eighteen (18) years of age who is engaged in any regular employment or service. In school districts of the first class, where the bureau of vital statistics of the city comprising the school district can supply the district with the number of live births during each year, the school district may limit its enumeration to children between the ages of five (5) and eighteen (18) years of age. Such enumeration shall be made by careful inquiry at the residence of each family in the district, or by such other reliable means as will accomplish a complete and correct collection of information as specified herein concerning each child. The person making such enumeration, upon completion thereof, shall make a proper oath or affirmation as to its correctness. Such enumeration shall also include the names and addresses of all persons, firms, or corporations, employing or accepting service from children under eighteen (18) years of age. The board of school directors in any school district shall have authority to cause to be made an enumeration of all minors residing within the district, and the Secretary of Education may, at his discretion, require such enumeration.

If any person shall hinder or prevent, or attempt to hinder

or prevent, any attendance officer or teacher, or other person, from performing any duty provided for in this section, he shall, on summary conviction thereof, be sentenced to pay a fine not exceeding five dollars ($5), or to undergo an imprisonment not exceeding five (5) days.

(1351 amended Jul. 22, 1970, P.L.557, No.192)

Section 1352. List of Names for Schools; Statistics for Superintendent of Public Instruction.--The secretary of each board of school directors, or such other person as is directed by the board, shall, at or before the opening of the school term, furnish to the principal or teacher of each school a correct list of the names and residences of all children, assigned to such school, who are subject to the provisions of this act. The secretary or other person shall also forward, on or before the first day of October of each year, to the county or district superintendent, to be by him forwarded, on or before the first day of November of each year, to the Superintendent of Public Instruction, a summary of such statistics regarding the children in each district, as is required by the Superintendent of Public Instruction, on blanks provided by him for that purpose.

Section 1353. Cost of Enumeration; Additional Names and Information.--The cost and expense of making a proper enumeration of the children of each school district, as herein provided, shall be paid per diem, or by the name, or in such other manner as the board of school directors may deem proper, out of the funds of the district. The attendance officer, the district superintendent, or the secretary of the board of school directors, shall have the power to add to this enumeration the names of any children whose names do not appear thereon, together with other information required by this act.

(1353 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1354. Report of Children not Enrolling, or Withdrawing, or Being Illegally Absent.--It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer, district superintendent, or secretary of the board of school directors, the names of all children in the list furnished to him who have not appeared for enrollment, and he shall also properly report, from time to time, to the attendance officer, district superintendent, or secretary of the board of school directors, the names of all children who having enrolled have subsequently withdrawn from school, or who have been absent three (3) days, or their equivalent, without lawful excuse. Such person shall thereupon serve upon the parent, guardian, or other person in parental relation to such children unlawfully absent from school, the written notice hereinbefore provided, and if it shall appear that, within three (3) days thereafter, any child, parent, guardian, or other person in parental relation shall have failed to comply with the provisions of this act, the superintendent, attendance officer, or secretary of the board of school directors, in the name of the school district, shall proceed against the person so offending, in accordance with the provisions of this act.

(1334 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1355. Penalty for Failure to Comply.--Any district superintendent, secretary of the board of school directors, attendance officer, or teacher of any public or private school, or any private teacher, or any principal or teacher in any

institution for children, who wilfully refuses or neglects to comply with the provisions of this act, shall be liable for and pay a penalty, for the use of the school district, not exceeding twenty-five dollars ($25) and costs, and, in default of payment thereof, may be committed to the county jail for a period not exceeding thirty (30) days. Such penalty may be recovered by, and in the name of, any school district, as like penalties are now collected by law. Any such superintendent, secretary, attendance officer, or teacher, upon whom a fine is imposed, may, at any time within five (5) days thereafter, appeal to the court of quarter sessions in the proper county, on furnishing proper bail, with one (1) surety, in double the amount of such penalty and costs.

(1355 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1356. Costs of Proceeding for Noncompliance.--If, at any time after proceedings have been instituted against any person under the provisions of this act, sufficient cause is shown by such offending person for noncompliance with its requirements, or, if the cost of such proceedings cannot be collected from such offending person, such costs may be paid out of the district funds, upon proper voucher approved by the board of school directors.

Section 1357. Withholding State Appropriation.--The Superintendent of Public Instruction upon due hearing, after two (2) weeks' written notice to the board of school directors affected, may withhold and declare forfeited any part, or all, of the State appropriation of any school district which refuses or neglects to comply with and to enforce the provisions of this article in the manner satisfactory to him.

(e) Transportation of Pupils.

Section 1361. When Provided.--The board of school directors in any school district may, out of the funds of the district, provide for the free transportation of any resident pupil to and from the kindergarten, elementary school, or secondary school in which he is lawfully enrolled, provided that such school is not operated for profit and is located within the district boundaries or outside the district boundaries at a distance not exceeding ten miles by the nearest public highway, except that such ten-mile limit shall not apply to area vocational technical schools which regularly serve eligible district pupils or to special schools and classes approved by the Department of Education, and to and from any points in the Commonwealth in order to provide field trips for any purpose connected with the educational pursuits of the pupils. When provision is made by a board of school directors for the transportation of public school pupils to and from such schools or to and from any points in the Commonwealth in order to provide field trips as herein provided, the board of school directors shall also make identical provision for the free transportation of pupils who regularly attend nonpublic kindergarten, elementary and high schools not operated for profit to and from such schools or to and from any points in the Commonwealth in order to provide field trips as herein provided. Such transportation of pupils attending nonpublic schools shall be provided during regular school hours on such dates and periods that the nonpublic school not operated for profit is in regular session, according to the school calendar officially adopted by the directors of the same in accordance with provisions of law. The board of school directors shall provide such transportation whenever so required

by any of the provisions of this act or of any other act of Assembly. (Par. amended Dec. 29, 1972, P.L.1726, No.372)

The board of school directors in any school district may, if the board deems it to the best interest of the school district, for the purposes of transporting pupils as required or authorized by any of the provisions of this act or of any other act of the Assembly, appropriate funds for urban common carrier mass transportation purposes from current revenues to urban common carrier mass transportation authorities to assist the authorities to meet costs of operation, maintenance, capital improvements, and debt service. Said contributions shall not be subject to reimbursement by the Commonwealth of Pennsylvania.

The State Board of Education shall adopt regulations, including qualifications of school bus drivers, to govern the transportation of school pupils.

(1361 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1362. Kinds of Transportation; Liability Insurance.--The free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in addition to such transportation, does not exceed one and one-half (1 1/2) miles, and when stations or other proper shelters are provided for the use of such pupils where needed, and when the highway, road, or traffic conditions are not such that walking on the shoulder of the road where there are no sidewalks constitutes a hazard to the safety of the child, as so certified by the Bureau of Traffic Safety. All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require.

(1362 amended Dec. 29, 1972, P.L.1726, No.372)

Section 1363. Standards for Vehicles.--(1363 repealed Dec. 9, 1969, P.L.343, No.147 and Dec. 18, 1969, P.L.388, No.170)

Section 1364. Transportation in Districts Under Direction of County Superintendent.--(1364 repealed Jun. 14, 1970 (1969), P.L.468, No.192)

Section 1365. Extra Compensation for Transporting Pupils Unlawful; School Bus Driver Employment Applications.--(a) It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district, or for any member of or board of school directors, to demand, request, or accept any compensation for transporting pupils, other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction.

(b) Every application for the position of school bus driver shall be made on a standard form to be prescribed and furnished by the Bureau of Traffic Safety in the Department of Revenue and filed with such bureau. Such application form shall include questions concerning the applicant's conviction for the commission of crimes. No position of school bus driver shall be filled unless and until such application is made and filed with such bureau.

(1365 amended Dec. 18, 1969, P.L.388, No.170)

Section 1366. Computation of Distances.--Where, by the terms of this act, or any other act, any distance is specified between the residence of any pupil and any public school to be attended by him, or any transportation is provided for within or beyond

any particular distance, in computing such distance no allowance shall be made for the distance that the dwelling house of the pupil is situated off the public highway. All such distances shall be computed by the public highway from the nearest point where a private way or private road connects the dwelling house of the pupil with the highway to the nearest point where said highway touches the school grounds of the school to which the pupil has been assigned.

Section 1367. Board and Lodging in Lieu of Transportation.--Whenever the board of school directors in any fourth class district or any district of the third class which is in a township agrees to or is required to provide transportation for any pupils, such board of school directors may, upon petition of the parent, guardian, or person in parental relation to any of said pupils, in lieu of providing such transportation, pay for suitable board and lodging for such pupils, if such board and lodging is secured in the home of a near relative of the pupil or in a proper school or home approved by the person making the petition.

(f) Exceptional Children.
((f) amended Sep. 12, 1961, P.L.1245, No.546)

Section 1371. Definition of Exceptional Children; Reports; Examination.--(1) The term "exceptional children" shall mean children of school age who deviate from the average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services and shall include all children in detention homes.

(2) It shall be the duty of the district superintendent, in every school district in accordance with rules of procedure prescribed by the Superintendent of Public Instruction, to secure information and report to the proper intermediate unit, on or before the fifteenth day of October of each year, and thereafter as cases arise, every exceptional child within said district. As soon thereafter as possible the child shall be examined by a person certified by the Department of Public Instruction as a public school psychologist, and also by any other expert which the type of handicap and the child's condition may necessitate. A report shall be made to the proper intermediate unit of all such children examined and of all children residing in the district who are enrolled in special classes.

(1371 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1372. Exceptional Children; Education and Training.--(1) Standards for Proper Education and Training of Exceptional Children. The State Board of Education shall adopt and prescribe standards and regulations for the proper education and training of all exceptional children by school districts or counties singly or jointly. The Department of Public Instruction shall have power, and it shall be its duty, to determine the counties which shall be joined for the purpose of providing proper education and training of exceptional children. Standards and regulations shall recognize such factors as number of exceptional children, types of handicaps, facility of transportation, adequacy of existing provisions for exceptional children, and availability of school plant facilities.

(2) Plans for Education and Training Exceptional Children. Each intermediate unit, cooperatively with other intermediate units and with school districts shall prepare and submit to the

Superintendent of Public Instruction, on or before the first day of August, one thousand nine hundred seventy for his approval or disapproval, plans for the proper education and training of all exceptional children in accordance with the standards and regulations adopted by the State Board of Education. Plans as provided for in this section shall be subject to revision from time to time as conditions warrant, subject to the approval of the Superintendent of Public Instruction.

(3) Special Classes or Schools Established and Maintained by School Districts. Except as herein otherwise provided, it shall be the duty of the board of school directors of every school district to provide and maintain, or to jointly provide and maintain with neighboring districts, special classes or schools in accordance with the approved plan. The Secretary of Education shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act relating thereto. If the approved plan indicates that it is not feasible to form a special class in any district or to provide such education for any such child in the public schools of the district, the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions, or by providing for teaching the child in his home, in accordance with rules and regulations prescribed by the Department of Education, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children. However, the institution of special classes and programs at the secondary level for exceptional children who are gifted and talented students may be deferred until September 1978 at the discretion of the board of the school directors of any school district.

In addition to the above and in accordance with rules and regulations prescribed by the Department of Education, homebound instruction shall be provided for children confined in detention homes as provided in section 7, act of June 2, 1933 (P.L.1433, No.311), as amended, for the period of their confinement, if their confinement exceeds or is expected to exceed ten days, even though such children are not exceptional. ((3) amended Aug. 24, 1977, P.L. , No.59)

(4) Classes for Exceptional Children. The intermediate unit shall have power, and it shall be its duty, to provide, maintain, administer, supervise and operate such additional classes or schools as are necessary or to otherwise provide for the proper education and training for all exceptional children who are not enrolled in classes or schools maintained and operated by school districts or who are not otherwise provided for.

(5) Day-Care Training Centers, Classes and Schools for the Proper Education and Training of Exceptional Children. Where in the judgment of the Superintendent of Public Instruction, the provisions of this act relating to the proper education and training of exceptional children have not been complied with or the needs of exceptional children are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, maintain, administer, supervise and operate classes and schools for the proper education and training of exceptional children. Pupil eligibility for enrollment in classes for exceptional children shall be determined according to standards

and regulations promulgated by the State Board of Education. For each child enrolled in any special class or school for exceptional children operated by the Department of Public Instruction, the school district in which the child is resident shall pay to the Commonwealth, a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment plus a sum equal to ten (10) per centum of such tuition charges. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation, except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the maintenance and administration of centers and classes for exceptional children.

(6) Pupils Credited to District of Residence. The average daily membership of pupils enrolled in classes and schools for exceptional children, operated by an intermediate unit or by the Department of Public Instruction, shall be credited to the school district of residence for the purpose of determining the district's "teaching units" to be used in calculating the district's reimbursement fractions or weighted average daily membership to be used in calculating a district's aid ratio and in determining payments to the district on account of instruction as provided in section two thousand five hundred two of the act to which this is an amendment.

(1372 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1372.1. Speech and Hearing Rehabilitation Centers.--(1372.1 added Jan. 14, 1952 (1951), P.L.1867, No.506 and repealed Sep. 1, 1959, P.L.795, No.293)

Section 1372.1. Day Care Training Centers for the Proper Training of Mentally Handicapped Children.--(1372.1 added Apr. 14, 1952 (1951), P.L.1925, No.531 and repealed Mar. 29, 1955, P.L.1356, No.429)

Section 1373. State Reimbursement; Reports.--School districts maintaining special classes in the public schools or special public schools or providing special education, as specified in this subdivision of this article, shall receive reimbursement, as provided by this act, so long as such classes, such schools, and such special education are approved by the Department of Public Instruction as to location, constitution and size of classes, conditions of admission and discharge of pupils, equipment, courses of study, methods of instruction and qualification of teachers.

On or before the first day of November of each year, the secretary of the board of school directors in each district in which special education for exceptional children is provided shall make such reports as may be required by the Department of

Public Instruction, in regard to such special education being maintained for the current school year for which approval is desired.

(1373 amended Oct. 21, 1965, P.L.601, No.312)

Section 1373.1. Readers; Helpers; Guides; Aides; Appliances; Etc.; Reimbursement.--The Commonwealth shall reimburse school districts out of the moneys appropriated to the Department of Public Instruction for special education for the cost of readers, helpers, guides, aids, appliances, special school books and supplies and devices for any child between the ages of six and twenty-one years of age who is blind, partially sighted, deaf, hard of hearing, or afflicted with cerebral palsy, and who is enrolled, with the approval of the Department of Public Instruction, in any of the public schools of the Commonwealth, an amount equal to the costs of these services and equipment multiplied by the district's aid ratio.

No such expenditures nor purchases may be made by any school district unless in accordance with a budget submitted by the district and approved by the Department of Public Instruction. The total expenditure by the Commonwealth hereunder shall not exceed seventy-five percent of a sum which would have been expended for the tuition and maintenance of any such child in a residential school for the blind, including partially sighted, deaf, hard of hearing, or those afflicted with cerebral palsy, that has been approved by the Department of Public Instruction for the education of the blind, partially sighted, deaf, hard of hearing, or those afflicted with cerebral palsy.

The services of such readers, helpers and guides may be contracted and paid for by the school district irrespective of the age of the person rendering such assistance and of the employment of such person by the school district as a teacher or otherwise and of the time and place where such services are rendered.

The Department of Public Instruction shall establish such necessary rules, regulations and standards as it may deem necessary for carrying out the provisions of this act.

(1373.1 amended Dec. 6, 1967, P.L.699, No.325)

Section 1374. Free Transportation or Board and Lodging.--Any exceptional child, who is regularly enrolled in a special class that is approved by the Department of Public Instruction, or who is enrolled in a regular class in which approved educational provisions are made for him, may be furnished with free transportation by the school district. When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child. If free transportation or board and lodging is not furnished for any exceptional child who, by reason thereof, is unable to attend the class or center for which he is qualified, the intermediate unit shall provide the transportation necessary.

(1374 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1375. Uneducable Children Provided for by Department of Public Welfare.--The State Board of Education shall establish standards for temporary or permanent exclusion from the public school of children who are found to be uneducable and untrainable in the public schools. Any child who is reported by a person who is certified as a public school psychologist as being uneducable and untrainable in the public schools, may be reported by the board of school directors to the Superintendent

of Public Instruction and when approved by him, in accordance with the standards of the State Board of Education, shall be certified to the Department of Public Welfare as a child who is uneducable and untrainable in the public schools. When a child is thus certified, the public schools shall be relieved of the obligation of providing education or training for such child. The Department of Public Welfare shall thereupon arrange for the care, training and supervision of such child in a manner not inconsistent with the laws governing mentally defective individuals.

(1375 amended Oct. 21, 1965, P.L.601, No.312)

Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions.--(a) When any child between the ages of six (6) and twenty-one (21) years of age resident in this Commonwealth, who is blind or deaf, or afflicted with cerebral palsy and/or brain damage and/or muscular dystrophy and/or mentally retarded and/or socially and emotionally disturbed, is enrolled, with the approval of the Department of Education, as a pupil in any of the schools or institutions for the blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied and/or mentally retarded, and/or socially and emotionally disturbed, under the supervision of, subject to the review of or approved by the Department of Education, in accordance with standards and regulations promulgated by the Council of Basic Education, the school district in which such child is resident shall pay twenty-five per centum (25%) of the cost of tuition and maintenance of such child in such school or institution, as determined by the Department of Education; and the Commonwealth shall pay, out of funds appropriated to the department for special education, seventy-five per centum (75%) of the cost of their tuition and maintenance, as determined by the Department. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. In no event shall the total cost of tuition and maintenance for blind, deaf, cerebral palsied and/or brain damaged and/or muscular dystrophied and/or socially and emotionally disturbed and/or mentally retarded residential students exceed eight thousand five hundred dollars ($8,500) per year, for tuition of blind, deaf, cerebral palsied and/or muscular dystrophied day students exceed five thousand one hundred dollars ($5,100) per year, and for tuition of brain damaged and/or socially and emotionally disturbed and/or mentally retarded day students exceed four thousand one hundred dollars ($4,100) per year. The Department of Education shall be provided with such financial data from private schools as may be necessary to determine the reasonableness of charges for tuition and room and board of the institution made on Pennsylvania resident approved reimbursed students. The Department of Education shall evaluate such data and shall disallow any charge deemed unreasonable. Any charges deemed unreasonable by the Department of Education for disallowance shall be considered an adjudication within the meaning of the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law," and regulations promulgated thereunder.

(b) When any person less than six (6) or more than twenty-one (21) years of age resident in this Commonwealth, who is

blind or deaf, or afflicted with cerebral palsy and/or brain damage and/or muscular dystrophy, is enrolled, with the approval of the Department of Education, as a pupil in any of the schools or institutions for the blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, under the supervision of or approved by the Department of Education, the Commonwealth shall pay to such school or institution, out of moneys appropriated to the department for special education, the cost of tuition and maintenance of such person, as determined by the Department of Education, subject to review and approval in accordance with standards and regulations promulgated by the Council of Basic Education, and in addition, in the case of any child less than six (6) years of age, who is blind, the cost, as determined by the Department of Education of instructing the parent of such blind child in caring for such child. In no event shall the total cost of tuition and maintenance for residential students exceed eight thousand five hundred dollars ($8,500) per year for tuition of deaf or blind and/or cerebral palsied and/or muscular dystrophied day students, exceed five thousand one hundred dollars ($5,100) per year and for tuition of brain damaged day students four thousand one hundred dollars ($4,100) per year.

(c) When any child between the ages of six (6) and twenty-one (21) years of age, resident in this Commonwealth, who is socially and emotionally disturbed, is enrolled with the approval of the Department of Education as a pupil in any approved day school under supervision of or approved by the Department of Education, the school district in which such child is resident shall pay twenty-five percent (25%) of the cost of tuition of such child in such school as determined by the Department of Education, and the Commonwealth shall pay out of funds appropriated to the Department for Special Education seventy-five percent (75%) of the cost of tuition of such child as determined by the department: Provided, however, That in no event shall the cost of tuition of such child exceed four thousand one hundred dollars ($4,100) per school year.

(d) No private institution receiving payment in accordance with this section shall impose any charge on the student and/or parents who are Pennsylvania approved reimbursable residents for a program of instruction and maintenance appropriate to the child's needs; except that charges for programs not part of the normal school year may be made.

(e) Where the private institution provides a vocational education program to the students enrolled therein as an established and integral part of its on-going approved program and where the department deems such program to be necessary because of the unavailability of an appropriate program for such students, the maximum rate payable shall be increased by the audited cost of the program per approved Pennsylvania resident enrolled in the program.

(f) Where the private institution provides special education programs for multihandicapped students which is adjudged necessary by the Department of Education, the maximum rate payable shall be increased by seventy-five percent (75%) for the second severe handicap, eighty-five percent (85%) for the third severe handicap and one hundred percent (100%) for more than three severe handicaps.

(1376 amended Dec. 15, 1975, P.L.484, No.144)

Section 1377. Payment of Cost of Tuition and Maintenance of

Certain Exceptional Children.--(a) To facilitate payments by the several school districts to the schools or institutions in which deaf or blind, or cerebral palsied and/or brain damaged and/or muscular dystrophied, or socially and emotionally disturbed or mentally retarded children are enrolled, of amounts due by such districts for their proportion of the cost of tuition and maintenance of such children, the Secretary of Education shall withhold from any moneys due to such districts out of any State appropriation for the assistance as reimbursement of school districts, the amounts due by such districts to such schools or institutions for the blind or the deaf, or the cerebral palsied and/or brain damaged and/or muscular dystrophied or the socially and emotionally disturbed and/or mentally retarded. Amounts so withheld shall be paid to such schools or institutions by warrant of the Auditor General upon the State Treasurer, after requisition of the Secretary of Education, for which purpose all amounts so withheld are hereby specifically appropriated to the Department of Education.

(b) Payments of the Commonwealth's proportion of the cost of tuition and maintenance of blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, or socially and emotionally disturbed and/or mentally retarded pupils enrolled in schools or institutions for the blind or for the deaf, or for the cerebral palsied and/or brain damaged and/or muscular dystrophied, or for the socially and emotionally disturbed and of the cost of instruction of parents of blind pupils less than six (6) years of age, as hereinbefore provided, shall be made quarterly, out of moneys appropriated to the Department of Education for special education, by warrant of the Auditor General upon the State Treasurer, after requisition by the Secretary of Education. In no event shall the total payment for the cost of tuition and maintenance of any such child exceed the rates per year allowed under section 1376. The maximum amount payable for the cost of tuition and maintenance of such children shall be subject to review at least once every two years for the purpose of recommending an adjustment thereof.

(c) For the purpose of enabling the Department of Education to determine from time to time what amounts are due to schools for the blind or for the deaf or for the cerebral palsied and/or brain damaged and/or muscular dystrophied or for the socially and emotionally disturbed and/or mentally retarded hereunder, such schools shall forward to the department, at such times and in such form as the department shall prescribe, sworn statements setting forth the names, ages, and residences of all pupils enrolled hereunder, specifying the school districts liable for a part of the cost of tuition and maintenance of any such pupils, the per capita cost of and maintenance of pupils, and such other information as the department shall require.

For the purpose of providing adequate administration of the program and to carry out the preaudit functions authorized in section 1376(a), one-quarter of one percent (.25%) of the total appropriations for approved private schools from all funds shall be allocated to the Department of Education.

(1377 amended Dec. 15, 1975, P.L.484, No.144)

Compiler's Note: The act of Dec. 15, 1975, P.L. , No.144, which amended sections 1376 and 1377 of this act, also contained the following provisions:

Section 3. This act shall take effect immediately, and shall apply to the school year 1975-1976 and each year

thereafter except that the provisions relating to socially and emotionally disturbed residential students shall take effect July 1, 1976 and shall apply to the school year 1976-1977 and each year thereafter.

Section 1378. Medical Care for Children Under Six with Defective Hearing.--Whenever the county medical director of the Department of Health reports to the medical examiner of any school district a case of a minor under six (6) years of age, who is totally deaf or whose hearing is impaired, who is not receiving adequate care and treatment, and whose parent or guardian is financially unable to provide the same, such medical examiner shall provide such care and treatment at the expense of the school district or of the Commonwealth, as the case may be, charged by law with the providing of medical examinations for the schools of the school district. Such care and treatment may be administered by the medical examiner or by some doctor of medicine selected by him.

Section 1379. Children Under Six with Defective Hearing; Parent or Guardian Advised of Schools, etc.--Whenever notified by the Department of Health of the case of a minor under six (6) years of age, who is totally deaf or whose hearing is impaired, the Superintendent of Public Instruction, when in his judgment the same is deemed desirable, shall communicate to the parent or guardian the location of any special schools, and also the nearest public school having special classes for the instruction of the hard of hearing, with the information concerning the advantages offered by such school or classes, the benefits to accrue to the child from attending such school or classes, and the manner in which the expenses of such instruction will be provided for.

Section 1380. Education of Blind Children Under Eight Years.--The Department of Public Instruction is authorized to educate blind children, residing in this Commonwealth, under the age of eight (8) years, whenever, from any cause, the parent or parents thereof may be unable properly to educate them. With the written consent of the parents, parent, or nearest relative, if there be no parents, or the local authorities of the proper institution district, if there be neither parents nor relatives, the Department of Public Instruction may contract with any nonsectarian institution in this State, or elsewhere, established for the education of the blind, whereby any such child may, at a cost not exceeding three dollars ($3) per day, to be paid by the Commonwealth, out of funds appropriated to the Department of Public Instruction for the education of blind children, be educated until it shall reach the age of eight (8) years. Such education may be continued beyond the age of eight (8) years, when, for physical, mental or other proper reasons, such child or children need special care for a longer period. The contract may be canceled and the child or children removed at any time by the Department of Public Instruction. The provisions of this section shall not repeal or modify any existing acts relative to the education of the blind.

(1380 amended Oct. 21, 1965, P.L.601, No.312)

Section 1381. Higher Education for Blind or Deaf Students.--The Department of Public Instruction is authorized to make provision for defraying the necessary expense of any students who are blind or deaf and are regularly enrolled students pursuing any course of study, profession, art, or science in any university, college, conservatory of music, normal,

professional, or vocational school approved by the Department of Public Instruction, and who are residents of the Commonwealth. Before any contract is entered into, the Department of Public Instruction shall make a careful investigation of all circumstances surrounding the case. If, after such investigation, it appears that any blind or deaf student who desires to attend any such school or institution, or who is attending such school or institution, seems to be fitted for special work, the Department of Public Instruction is authorized to expend the necessary amount, out of the general sum appropriated for this purpose, not to exceed five hundred dollars ($500) per year for each such blind or deaf student.

Section 1382. Period of Instruction.--The time for which pupils of this Commonwealth may be taught in institutions or schools for the instruction of the blind or for the deaf, in whole or in part, at the expense of the Commonwealth, shall extend to such number of years from the time of entering said institutions or schools as may be approved by the Department of Public Instruction.

(g) Employment of Children.

Section 1391. Employment of Children Under Eighteen Unlawful Without Employment Certificate or Permit.--No person, either for himself or for any firm, association, or corporation, shall, during the hours the public schools are in session, accept service from, engage, or employe any child under eighteen (18) years of age, unless such employer shall have on file an employment certificate, or farm or domestic service permit, issued according to law.

If the child leaves such employment, or is absent from such employment five (5) days, the employer shall immediately, in writing, notify accordingly the school official who issued the certificate.

(1391 amended Jul. 27, 1953, P.L.629, No.184)

Section 1392. Reports by Employers of Children.--Every person, firm, association, or corporation accepting service from, or employing, a child or children, between the ages of fourteen (14) and eighteen (18) years, shall, semi-annually, on the first day of January and on the first day of July in each year, furnish to the district superintendent, or secretary of the board of school directors of the district in which such child or children reside, the name, age, place of residence, and name of parent or guardian, of every such child in his or its employ or service. Such report shall be made upon blanks to be furnished by the Superintendent of Public Instruction at the expense of the Commonwealth.

(1392 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1393. Posting of Information by Employers of Children.--Every person, firm, association, or corporation accepting service from, or employing, a child or children, between the ages of fourteen (14) and eighteen (18) years, during the hours when the public schools are in session, and during the period of compulsory attendance in any school district, shall make a true and correct list of all such children, giving their names, ages, places of residence, names of parents or guardians, the dates of and names of the persons issuing the employment certificates, and the time of beginning and ending of service with him or it, which list shall be clearly written or printed and kept publicly posted at the place of employment of such child, where the same may be inspected by

any member of the board of school directors or the secretary thereof, by the district superintendent, or the attendance officer of any school district, at any time during business hours.

(1393 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1394. Penalties for Violation of Child Labor Requirements.--Any person or persons accepting service from, or engaging or employing, any child between eight (8) and eighteen (18) years of age while the public schools are in session, without having on file for such child an employment certificate, or farm or domestic service permit, or failing to furnish to the district superintendent, attendance officer, or secretary of the board of school directors, the information required by this act concerning the children employed by him or them, or failing to post for inspection, at the place of employment of such children, the list of children engaged by him or them, as required by the provisions of this act, or failing tc notify the proper school official when a child leaves such employment or is absent therefrom for five (5) days, shall be guilty of a misdemeanor, and, upon conviction, shall for a first offense be sentenced to pay a fine of not less than ten dollars ($10) or more than twenty-five dollars ($25), or to undergo imprisonment in the county jail for ten (10) days, or both, at the discretion of the court, and for a subsequent offense shall be sentenced to pay a fine of not less than twenty dollars ($20) or more than fifty dollars ($50), or to undergo imprisonment in the county jail for ninety (90) days, or both, at the discretion of the court.

(1394 amended Jan. 14, 1970 (1969), P.L.468, No.192)

ARTICLE XIV.
SCHOOL HEALTH SERVICES.
(Art. repealed and added Jul. 15, 1957, P.L.937, No.404)

Section 1401. Definitions.--As used in this article--

(1) "Children of school age" or "child cf school age" means every child attending or who should attend an elementary grade or high school, either public or private, within the Commonwealth and children who are attending a kindergarten which is an integral part of a local school district.

(2) "Teachers" means professional employes, temporary professional employes and substitutes and instructors in public or private schools within the Commonwealth.

(3) "Other employes" means janitors, bus drivers, cooks and other cafeteria help and all others employed at schools.

(4) "School physician" means a physician legally qualified to practice medicine and surgery or cstecpathy or csteopathic surgery in the Commonwealth, who has been appointed or approved by the Secretary of Health.

(5) "School dentist" means a doctor of dental surgery or dental medicine legally qualified tc practice dentistry in the Commonwealth, who has been appointed or approved by the Secretary of Health.

(6) "Family physician" means either a doctor of medicine legally qualified to practice medicine and surgery in the Commonwealth, or an osteopath or osteopathic surgeon legally qualified to practice osteopathy or osteopathic surgery in the Commonwealth, who has been designated by the parent or guardian as the personal physician of the child.

(7) "Family dentist" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been designated by the parent or guardian as the personal dentist of the child.

(8) "School nurse" means a licensed registered nurse properly certificated by the Superintendent of Public Instruction as a school nurse who is employed by a school district or joint school board as a school nurse, or is employed in providing school nurse services to children of school age by a county health unit or a department or board of health of any municipality with which a school district or joint school board has contracted for school health services pursuant to the provisions of section 1411 of this act. The employment of any nurse employed by a school district or joint school board as a school nurse prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act. ((8) amended Aug. 9, 1963, P.L.642, No.339)

(9) "Dental hygienist" means a dental hygienist licensed by the State Dental Council and Examining Board, who is assigned to a school district or joint school board, or a dental hygienist licensed by the State Dental Council and Examining Board and certificated as a school dental hygienist by the Superintendent of Public Instruction, who is employed by a school district or joint school board as a dental hygienist. The employment of any dental hygienist employed by a school district or joint school board as a dental hygienist prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act.

(10) "Medical technician" means a person skilled in the operation of X-ray or other diagnostic equipment having such training and experience as required by the Secretary of Health.

(11) "Sanitarian" means a person having such training and experience as required by the Secretary of Health and qualified to conduct sanitary inspections of school buildings and grounds in connection with water supply, sewage and refuse disposal, food service, heating, lighting, ventilation and safety.

(1401 repealed and added Jul. 15, 1957, P.L.937, No.404)

Section 1402. Health Services.--(a) Each child of school age shall be given by methods established by the Advisory Health Board, (1) a vision test by a school nurse, medical technician or teacher, (2) a hearing test by a school nurse or medical technician, (3) a measurement of height and weight by a school nurse or teacher, (4) tests for tuberculosis under medical supervision, and (5) such other tests as the Advisory Health Board may deem advisable to protect the health of the child. Vision tests shall be given at least annually and other tests at intervals established by the Advisory Health Board. ((a) amended Aug. 9, 1963, P.L.642, No.340)

(a.1) Every child of school age shall be provided with school nurse services: Provided, however, That the number of pupils under the care of each school nurse shall not exceed one thousand five hundred (1,500). ((a.1) amended Dec. 7, 1965, P.L.1041, No.390)

(b) For each child of school age, a comprehensive health record shall be maintained by the school district or joint school board, which shall include the results of the tests,

measurements and regularly scheduled examinations and special examinations herein specified.

(c) Medical questionnaires, suitable for diagnostic purposes, furnished by the Secretary of Health and completed by the child or by the child's parent or guardian, at such times as the Secretary of Health may direct, shall become a part of the child's health record.

(d) All teachers shall report to the school nurse or school physician any unusual behavior, changes in physical appearance, changes in attendance habits and changes in scholastic achievement, which may indicate impairment of a child's health. The nurse or school physician or school dentist may, upon referral by the teacher or on his own initiative, advise a child's parent or guardian of the apparent need for a special medical or dental examination. If a parent or guardian fails to report the results to the nurse or school physician, the nurse or school physician shall arrange a special medical examination for the child.

(e) The school physicians of each district or joint board shall make a medical examination and a comprehensive appraisal of the health of every child of school age, (1) upon original entry into school in the Commonwealth, (2) while in sixth grade, (3) while in eleventh grade, and (4) prior to the issuance of a farm or domestic service permit unless the child has been given a scheduled or special medical examination within the preceding four months. The health record of the child shall be made available to the school physician at the time of the regularly scheduled health appraisals.

(f) The Secretary of Health, upon petition of the school board or joint school board or on his own initiative with the concurrence of the school board or joint school board, may modify for individual school districts the school health services program specified in this section. The program as modified shall conform to approved medical or dental practices and shall permit valid statistical appraisals of the various components of the program.

(1402 added Jul. 15, 1957, P.L.937, No.404)

Section 1403. Dental Examinations and Dental Hygiene Services.--(a) All children of school age in the Commonwealth, (i) upon original entry into the school, (ii) while in the third grade, and (iii) while in the seventh grade, shall be given a dental examination by a school dentist: Provided, however, That this requirement shall not apply to those school districts or joint school boards which have instituted a program of dental hygiene services as provided in subsection (b) of this section.

(b) Any school district or joint school board may institute a program of dental hygiene services for children of school age, which program shall be approved by the Secretary of Health, and for that purpose may employ dental hygienists.

(1403 amended Aug. 27, 1963, P.L.1380, No.535)

Section 1404. Place of Examination; Use of Hospital Facilities.--The school physician and school dentist shall conduct medical, dental and other examinations in rooms set aside for this special purpose and equipped with adequate facilities and with such other accessories as may be required by the Secretary of Health for the thorough examination of children. The school physicians shall require the removal of sufficient clothing to insure complete examination. If facilities in schools are inadequate for conducting medical,

dental and other examinations, the school districts or joint school boards and private schools may, subject to the approval of the Secretary of Health, make arrangements for the use of laboratories and facilities of hospitals or clinics for examinations herein provided for.

(1404 added Jul. 15, 1957, P.L.937, No.404)

Section 1405. Assistance; Presence of Parents.--Every school physician shall be assisted by a school nurse and every school dentist by a dental hygienist, if available, or trained assistant, who shall be present during each examination. Parents or guardians of children of school age shall be advised in advance of the date of examination and urged to be present. Medical examinations shall be made in the presence of the parent or guardian of the child when so requested by the parent or guardian.

(1405 added Jul. 15, 1957, P.L.937, No.404)

Section 1406. Recommendations.--Recommendations as to medical, surgical or dental care shall be sent to each parent or guardian and to the family physician or family dentist on forms prepared or approved by the Secretary of Health with instructions to the parent or guardian to consult the family physician or family dentist and to notify the school authorities of the action taken with respect to the recommendations.

School physicians or school nurses shall inform teachers of the health conditions of pupils which may affect behavior, appearance or scholastic performance.

(1406 added Jul. 15, 1957, P.L.937, No.404)

Section 1407. Examinations by Examiners of Own Choice.--In lieu of the medical or dental examinations prescribed by this article, any child of school age may furnish the local school officials with a medical or dental report of examination made at his own expense by his family physician or family dentist on a form approved by the Secretary of Health for this purpose. The in lieu examinations shall be made and the report shall be furnished prior to the date fixed for the regularly scheduled examination but no earlier than four months prior to the opening of the school term during which the regular examination is scheduled.

(1407 added Jul. 15, 1957, P.L.937, No.404)

Section 1408. Reports.--Every school district of the Commonwealth or school districts jointly, school physicians, school dentists and school nurses, shall file with the Secretary of Health and/or the Superintendent of Public Instruction such reports as required by the regulations of the two departments.

(1408 added Jul. 15, 1957, P.L.937, No.404)

Section 1409. Confidentiality, Transference and Removal of Health Records.--All health records established and maintained pursuant to this act shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

In the case of any child of school age who enrolls in any school, public or private, in any district and who previously attended school in another district in Pennsylvania, the district or school wherein the child is newly enrolled shall request and the district or school where the child previously attended shall surrender the health record of the child. School districts, joint school boards or private schools, shall not

destroy a child's health record for a period of at least two years after the child ceases to be enrolled, but may surrender such child's health record or portion thereof to his parent or guardian if the child does not re-enroll in an elementary or secondary school in Pennsylvania.

(1409 added Jul. 15, 1957, P.L.937, No.404)

Section 1410. Employment of School Health Personnel.--Except as otherwise provided in this article, all school districts alone or jointly with other districts or joint school boards shall employ school physicians and school dentists but only with the approval of the Secretary of Health, and shall compensate them on a basis agreed upon by the school physician or school dentist and the employing district or joint school board, and shall employ one or more school nurses. Health officers of municipalities may be appointed as school physicians by school districts or joint school boards. For special examinations recommended by school physicians, school districts or joint school boards may engage the services of opthalmologists or other licensed medical specialists or of optometrists. Any school district alone or jointly with other districts or joint school boards may employ dental hygienists and such other technical and clerical personnel as are necessary to carry out the provisions of this article.

(1410 added Jul. 15, 1957, P.L.937, No.404)

Section 1411. Cooperation with Political Subdivisions.--Any school district or joint school board may, in any health work in which it is authorized to engage, cooperate with any county, city, borough, town or township engaged in health work. Any school district of the first class A may, with the approval of the Secretary of Health and the Superintendent of Public Instruction, contract with county health units or the department or board of health of any municipality for school health services.

(1411 amended Dec. 7, 1965, P.L.1041, No.390)

Section 1412. Municipal Civil Service Status Protected.--In any school district of the first class or first class A, any physician or nurse who is an employe with civil service status under any municipal corporation within the territorial limits of the school district and who performs any duty or duties under this act shall continue to be an employe of the municipal corporation and shall retain all of his or her civil service rights and rights under the pension system of the said municipal corporation.

(1412 added Jul. 15, 1957, P.L.937, No.404)

Section 1413. Supplemental Duties of School Physicians.--Duties of school physicians shall include the vaccination of children of indigent parents, official re-vaccination of children having temporary vaccination certificates, physical examination of children incident to the issuance of employment certificates as required by the provisions of the Child Labor Act, approval of the return of pupils who have been absent due to a contagious disease or suspected contagious disease, and such other duties as may be required by the board of school directors not inconsistent with the rules and regulations of the Secretary of Health.

(1413 added Jul. 15, 1957, P.L.937, No.404)

Section 1414. Care and Treatment of Pupils.--Any school district or joint school board may provide for the care and treatment of defective eyes, ears and teeth of all children of

school age within the district.

(1414 added Jul. 15, 1957, P.L.937, No.404)

Section 1415. Public Assistance for Medical, Dental or Surgical Care.--If the medical record of any child at any time discloses a condition which requires medical, dental or surgical treatment and the parent or guardian states to the school authorities that he is financially unable to have a physician or dentist of his choice render such care, he shall be advised that the cost of such care may be provided if application is made to the appropriate county board of public assistance. Upon application, the county board of assistance shall authorize payment for necessary medical, dental or surgical care as assistance as defined in the standards, rules and regulations established by the Secretary of Public Welfare in consultation with the Secretary of Health. If it appears that the parent or guardian was financially able to pay for the medical, dental or surgical care for which payment was made on the authorization of a county board of assistance, the Department of Public Welfare shall recover the amounts thus expended from the parent or guardian liable for the support of such child as provided in the support law.

(1415 amended Dec. 21, 1959, P.L.1956, No.712)

Section 1416. Precautions Against Spread of Tuberculosis.--No person having any form of tuberculosis in a transmissible stage shall be a pupil, teacher, janitor or any other employe in any school except in a special school carried on under the regulations made for such schools by the Secretary of Health. The board of directors of any school district or joint school board may appropriate the necessary funds to pay for X-ray or other medical examinations to determine the presence or absence of tuberculosis in any teacher, janitor or other employe of the district.

(1416 added Jul. 15, 1957, P.L.937, No.404)

Section 1417. Pupils Relieved from Compulsory Attendance.--Any pupil prevented from attending school on account of the health or sanitation laws of this Commonwealth, or by the sanitary regulations of the local board of health or the board of school directors, is relieved from complying with the provisions of the act amended hereby concerning compulsory attendance during the time he is prevented from attending school.

(1417 added Jul. 15, 1957, P.L.937, No.404)

Section 1418. Medical Examinations of Teachers and Other Persons.--(a) All teachers, janitors, cooks and other cafeteria help and all others employed at schools shall be required to take a pre-employment medical examination, the results of which shall be recorded on forms prescribed by the Secretary of Health and shall be made available to the employing authorities.

(b) Each teacher, any other school employe and any person providing services for school children under contract shall be given tests for tuberculosis in accordance with rules and regulations adopted by the Advisory Health Board. Each student teacher and volunteer participating in student activities shall be given the same tests for tuberculosis, but no person shall be required to submit to a particular test if he shall furnish a statement setting forth adequate reasons for being excused from taking the test. In such case, an alternative method of testing shall be administered.

(c) School boards may require a special medical examination

for any school employe at any time.

(d) Medical examinations shall be made by the school physician of the district if provision therefor is made by the district or joint school board or by a physician of the employe's own choice legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

(1418 amended Jul. 14, 1971, P.L.229, No.47)

Section 1419. Objections to Examinations or Treatment on Religious Grounds.--This article shall not be construed to compel any person to submit to any medical or dental examination or treatment under the authority of this act when the person or the parent or guardian of the person, if a minor, objects to the examination or treatment on religious grounds or to permit any discrimination against any person on account of such objections: Provided, That exemption from medical or dental examinations shall not be granted if the Secretary of Health finds that facts exist under which the exemption constitutes a present substantial menace to the health of other persons exposed to contact with the unexamined person.

(1419 added Jul. 15, 1957, P.L.937, No.404)

Section 1420. Examinations of School Buildings and Grounds.--The Secretary of Health shall employ sanitarians or request local health authorities to assign a sanitarian to make a careful examination of all privies, water-closets, urinals, cellars, the water-supply and drinking-vessels and utensils and sewage and refuse disposal systems, lighting, heating and ventilating systems, and such additional examinations of the sanitary conditions of the school buildings and grounds as the regulations of the Secretary of Health may require.

(1420 added Jul. 15, 1957, P.L.937, No.404)

Section 1421. Powers and Duties of the Secretary of Health and of the Superintendent of Public Instruction; Rules and Regulations.--(a) The technical content of the medical, dental, nursing and sanitary portions of the school health program shall be prescribed by and under the general direction of the Secretary of Health who shall--

1. Approve all appointments of school physicians and school dentists and prescribe their duties and formulate and prescribe standards for medical technicians and sanitary officers for employment in the school health program.

2. Suggest or recommend to the State Board of Education standards of qualification for school nurses and dental hygienists for employment by a school district or joint school board in the school health services program and advise school administrators on matters connected with carrying out the school health program. (2 amended Oct. 21, 1965, P.L.601, No.312)

(b) The administration and supervision of the educational and teaching aspects of the program shall be the responsibility of the Superintendent of Public Instruction who shall--

1. Approve certification of school nurses and dental hygienists for employment by a school district or joint school board and administer and direct their services and program: Provided, That the services of school nurses and dental hygienists shall be utilized exclusively in connection with medical and dental examinations and associated health activities.

2. Advise the Secretary of Health and school physicians and school dentists on matters pertaining to the educational impact

of the school health services program.

(c) The Secretary of Health and the Superintendent of Public Instruction, after consultation, shall--

1. Adopt such records and report forms as will facilitate the efficient operation, administration and comprehensive evaluation of the school health program.

2. Adopt and enforce rules and regulations for the school health program not inconsistent with the provisions of this act.

(1421 added Jul. 15, 1957, P.L.937, No.404)

Section 1422. Advisory Health Councils.--District superintendents may set up advisory health councils to study health needs and to assist in organizing follow-up programs. An advisory health council shall be composed of representatives of the medical and dental associations, social organizations, veterans' organizations, parent-teacher associations, service clubs and other organizations in the area served. Those making the medical and dental examinations shall make to this advisory council an annual report, and later a report on the remedial work which has been accomplished during the school year.

(1422 amended Jan. 14, 1970 (1969), P.L.468, No.192)

ARTICLE XV.
TERMS AND COURSES OF STUDY.

(a) School Terms.

Section 1501. Minimum Number of Days; School Month.--All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

Twenty days of actual teaching shall constitute a school month.

(1501 amended Sep. 21, 1959, P.L.925, No.373)

Section 1501.1. Weather Emergency of 1977.--(a) For the school year 1976-77 all public and approved private kindergartens, elementary and secondary schools, vocational-technical schools, and intermediate unit programs of instruction, shall make every effort to keep open for at least one hundred seventy-seven (177) days of instruction for pupils and, in the alternative, the Secretary of Education shall authorize, without need of application, each school district to have the option of computing the instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools. No public or approved private kindergarten, elementary or secondary school, vocational-technical school, or intermediate unit program of instruction which was closed because of the Weather Emergency and which makes a good faith effort as determined by the Secretary of Education to keep open for at least one hundred seventy-seven (177) days or the optional hourly basis of instruction for pupils shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year 1976-77. No employe of any school closed by reason of the Weather Emergency of 1977 shall receive more or less compensation than that to

which the employe would otherwise have been entitled to from the school district, intermediate unit or vocational-technical school, had the Weather Emergency of 1977 not occurred.

(b) An employe shall not receive additional salary for services rendered on days or for hours rescheduled as a result of the Weather Emergency of 1977, unless the number of days rescheduled extends the number of days provided for in the original school calendar; in which case, an employe shall receive a prorata increase for such additional days.

(c) A school district shall not be required to change its high school graduation schedule or require graduating students to return to school after graduation to demonstrate good faith for the purposes of subsection (a).

(1501.1 added Jun. 1, 1977, P.L. , No.4)

Section 1501.2. Weather Emergency of 1978.--No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions during the winter of 1978. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year 1977-78 because of the provisions of this act.

(1501.2 added Apr. 28, 1978, P.L. , No.50)

Section 1502. Days Schools not to be Kept Open.--No school shall be kept open on any Saturday for the purpose of ordinary instruction, except when Monday is fixed by the board of school directors as the weekly holiday, or on Sunday, Memorial Day, Fourth of July, or Christmas nor shall any school be kept open in any district during the time of holding the teachers' institute for such district. Whenever Memorial day shall be on a Sunday, the following Monday shall be a holiday.

(1502 amended Jan. 24, 1966 (1965), P.L.1508, No.529)

Section 1503. Additional Holidays; Vacations.--The board of school directors in any district shall, by a majority vote, decide which other holidays may be observed by special exercises, and on which holidays, if any, the schools shall be closed during the whole or part of the day. The board of school directors of each district shall require that each school within such district observes Veterans' Day by special exercises. The board of school directors may provide for such vacations in its district as it deems wise. No days on which the schools are closed shall be counted as days taught.

(1503 amended Jul. 10, 1969, P.L.157, No.63)

Section 1504. Dates and Times of School Terms and Sessions; Commencement.--(a) The board of school directors of each school district shall fix the date of the beginning of the school term. Unless otherwise determined by the board, the daily session of school shall open at nine ante-meridian and close at four post-meridian, with an intermission of one hour at noon, and an intermission of fifteen minutes in the forenoon and in the afternoon. Upon request of a board of school directors for an exception to the aforesaid daily schedule, the Secretary of Education may, when in his opinion a meritorious educational program warrants, approve a school week containing a minimum of twenty seven and one-half hours of instruction as the equivalent of five (5) school days, or a school year containing a minimum of nine hundred ninety hours of instruction at the secondary

level or nine hundred (900) hours of instruction at the elementary level as the equivalent of one hundred eighty (180) school days. Professional and temporary professional employes shall be allowed a lunch period free of supervisory or other duties of at least thirty minutes. The provisions of this subsection shall not be construed to repeal any rule or regulation of any board of school directors now in effect which provides for a lunch period longer than the minimum prescribed herein or to repeal any action of any board of school directors taken in compliance with section 7 of the act of July 25, 1913 (P.L.1024, No.466), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," as amended. ((a) amended July 1, 1978, P.L. , No.105)

(b) If a school in any district due to crowded conditions is unable to provide for the full time attendance of all pupils during the school day, the board of school directors, with the approval of the Department of Public Instruction first obtained, may provide for two half-day sessions. The approval of the Department of Public Instruction shall not exceed a period of one year. Annual extensions may be granted by the Department upon review of the circumstances of each case. Each half-day session shall be four (4) hours in duration: Provided, That the Superintendent of Public Instruction may reduce the half-day session in the first and second grades, at the request of a school district, for cogent reasons relating to the health, safety or welfare of the children, if, in his opinion, the school program submitted by the district shows that the local program is adequate for these grades. Half-day sessions shall be regarded as two regular sessions. Teachers employed for one half-day session shall not be employed for the other on the same day for the entire half-session, but may be required by the school district to serve every school day for the same number of hours prescribed by the board of school directors for regular full-time teachers who teach full day sessions in the same grades in the school district. Upon any violation or failure to comply with the provisions of this subsection, the Superintendent of Public Instruction, on hearing, after two (2) weeks' written notice to the board of school directors, shall withhold and declare forfeited the State appropriation for reimbursement on account of the instruction of the pupils in average daily membership in the sessions in which the requirements are not met.

(c) The board of school directors may fix the date of the school commencement and shall pay such expenses in connection therewith as it may determine.

(1504 amended July 27, 1953, P.L.629, No.184)

(b) Prescribed Courses and Instruction.

Section 1511. Subjects of Instruction; Flag Code.--In every elementary public and private school, established and maintained in this Commonwealth, the following subjects shall be taught, in

the English language and from English texts: English, including spelling, reading and writing, arithmetic, geography, the history of the United States and of Pennsylvania, civics, including loyalty to the State and National Government, safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music and art. Other subjects shall be taught in the public elementary schools and also in the public high schools as may be prescribed by the standards of the State Board of Education. All such subjects, except foreign languages, shall be taught in the English language and from English texts: Provided, however, That, at the discretion of the Superintendent of Public Instruction, the teaching of subjects in a language other than English may be permitted as part of a sequence in foreign language study or as part of a bilingual education program if the teaching personnel are properly certified in the subject fields. Each school district shall provide and distribute to each pupil, enrolled in the eighth grade of the public schools, one illustrated copy of the National Flag Code, and shall, from time to time, make available such copies as are necessary for replacements from year to year. It shall be the duty of each teacher in the public schools to make such use of the code as may, from time to time, seem proper.

(1511 amended Jul. 31, 1968, P.L.1020, No.301)

Section 1512. Courses of Study Adapted to Age, etc. of Pupils.--The board of school directors in every school district, with the advice, assistance and approval of the proper superintendent of schools, shall arrange a course or courses of study adapted to the age, development, and needs of the pupils. These courses of study shall conform to any general course of study arranged by the Superintendent of Public Instruction, so far as the local conditions in the respective districts permit.

Section 1513. Physiology and Hygiene.--Physiology and hygiene, which shall in each division of the subject so pursued include special reference to the effect of alcoholic drinks, stimulants, and narcotics upon the human system, and which shall also include special reference to tuberculosis and its prevention, shall be introduced and studied as a regular branch by all pupils in all departments of the public schools, and in all educational institutions supported wholly or in part by appropriations from this Commonwealth.

Section 1514. Humane Education.--Instruction in humane education shall be given to all pupils up to and including the fourth grade, and need not exceed half an hour each week during the whole school term. No cruel experiment on any living creature shall be permitted in any public school of this Commonwealth.

Section 1515. Religious Literature.--(a) Courses in the literature of the Bible and other religious writings may be introduced and studied as regular courses in the literature branch of education by all pupils in the secondary public schools. Such courses shall be elective only and not required of any student.

(b) Such courses shall be prepared and adopted according to age levels by the Department of Public Instruction with the advice and counsel of the Council of Basic Education and the approval of the State Board of Education.

(1515 repealed Sep. 20, 1961, P.L.530, No.650 and added Dec. 22, 1965, P.L.1144, No.442)

Section 1516. Bible Reading in Public Schools.--At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian.

(1516 amended Dec. 17, 1959, P.L.1928, No.700)

Section 1516.1. Meditation and Prayer Periods.--(a) In each public school classroom, the teacher in charge may, or if so authorized or directed by the board of school directors by which he is employed, shall, at the opening of school upon every school day, conduct a brief period of silent prayer or meditation with the participation of all the pupils therein assembled.

(b) The silent prayer or meditation authorized by subsection (a) of this section is not intended to be, and shall not be conducted as, a religious service or exercise, but shall be considered as an opportunity for silent prayer or meditation on a religious theme by those who are so disposed, or a moment of silent reflection on the anticipated activities of the day.

(1516.1 added Dec. 6, 1972, P.L.1412, No.305)

Section 1517. Fire and Emergency Evacuation Drills.--(a) In all public schools where fire-escapes, appliances for the extinguishment of fires, or proper and sufficient exits in case of fire or panic, either or all, are required by law to be maintained, fire drills shall be periodically conducted, not less than one a month, by the teacher or teachers in charge, under rules and regulations to be promulgated by the district superintendent under whose supervision such schools are. In such fire drills the pupils and teachers shall be instructed in, and made thoroughly familiar with, the use of the fire-escapes, appliances and exits. The drill shall include the actual use thereof, and the complete removal of the pupils and teachers, in an expeditious and orderly manner, by means of fire-escapes and exits, from the building to a place of safety on the ground outside.

(b) District superintendents are hereby required to see that the provisions of this section are faithfully carried out in the schools over which they have charge.

(c) Any person who violates or fails to comply with the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or to undergo imprisonment in the county jail for not less than (10) days or more than sixty (60) days, or both.

(d) All schools using or contracting for school buses for the transportation of school children shall conduct on school grounds two emergency evacuation drills on buses during each school year, the first to be conducted during the first week of the first school term and the second during the month of March, and at such other times as the chief school administrator may require. Each such drill shall include the practice and instruction concerning the location, use and operation of emergency exit doors and fire extinguishers and the proper evacuation of buses in the event of fires or accidents.

Bus operators shall be provided with proper training and instructions to enable them to carry out the provisions of this subsection and may be required to attend classes and drills in connection therewith.

On or before the tenth day of April of each year, each district superintendent shall certify to the Department of Public Instruction that the emergency evacuation drills herein required have been held.

(1517 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1518. Test Books and Instruction on Fire Dangers and Prevention Drills.--(a) It shall be the duty of the Superintendent of Public Instruction, in consultation with the Pennsylvania State Police, to prepare books of instruction for use of teachers of students of all grades, in the public and private schools, with regard to the dangers of fire and the prevention of fire waste. Such books of instruction shall be published at the expense of the State, under the direction of the Superintendent of Public Instruction, and shall be distributed in sufficient quantities for the use of the teachers in schools as herein provided. The curriculum of all schools shall include some regular and continuous study of such subjects during the entire school year. ((a) amended Sep. 28, 1951, P.L.1551, No.395)

(b) It shall be the duty of the Superintendent of Public Instruction, and of the principals or other persons in charge of the various schools, to provide for the instruction and training of pupils of such schools by means of drills, so that they may in sudden emergencies be able to leave the school buildings in the shortest possible time without confusion or panic. Such drills shall be held at least once a month when the schools are in session.

Section 1519. Teaching of Safe Driving of Motor Vehicles.--

(a) Any school district may provide for the teaching of safe driving of motor vehicles in the elementary and secondary schools of the district or in the secondary schools only, in accordance with the standardized program established by the Department of Public Instruction. In the case of pupils under the age of sixteen (16) years, such instruction shall be limited to class room instruction by those who shall possess the qualifications prescribed by the State Board of Education. In the case of pupils of the age of sixteen (16) years and over, the instruction may include practical instruction in the operation of motor vehicles on the public highways, or other places, selected by the board of school directors or by the principal of the school where the instruction is given.

(b) The board of school directors may employ and fix the compensation of qualified persons to teach the practical operation of motor vehicles on the highways, or elsewhere, who shall possess the qualifications prescribed by the State Board of Education. Teacher aides may be used in the practice driving phase of the standardized program in the public schools of the Commonwealth. The Superintendent of Public Instruction shall, upon the request of the local chief school administrator for employment of a teacher aid, provide for an oral examination, a written theoretical examination and a practical examination. In addition, the applicant shall possess the following qualifications: (1) satisfactory completion of the examination provided by the Superintendent of Public Instruction, (2) possess a high school diploma, (3) have a motor vehicle operator's record free of violation of "The Vehicle Code" and other traffic laws and free of accidents, (4) completed a three-credit course in driver education, (5) shall complete an additional nine hours of credit in General and Traffic Safety

Education within a three year period of employment, and (6) shall be eligible according to the provisions in section 1209 of the "Public School Code of 1949." The board of school directors may purchase, rent or hire motor vehicles for such instruction and shall procure or require automobile liability insurance in such amounts as the board of school directors shall prescribe covering vehicles owned or operated pursuant to this section. Such insurance shall be for the public liability of the owner of the vehicle, when the owner is some one other than the school district, the employe of the school district, the employe of the owner and the pupil operating the vehicle, against claims for damages, for injuries to person or property. No liability shall attach to any individual, school director, superintendent, teacher or other school authority by reason of teaching safe driving, except that which is protected by the automobile liability insurance policies which are procured by reason of the authority granted herein. ((b) amended Jan. 26, 1966 (1965), P.L.1620, No.574)

(c) The board of school directors may appropriate and expend money of the school district for the purpose of paying the compensation of the instructors and to purchase, rent or hire motor vehicles, automobile liability insurance and to maintain and repair the same and to purchase fuel, lubricants, parts and accessories therefor.

(1519 amended Oct. 21, 1965, P.L.601, No.312)

Section 1519.1. Standardized Driver-Education Program.--

(a) The Department of Public Instruction shall establish, for operation in the public school system of the Commonwealth, a standardized driver-education program in the safe operation of motor vehicles available to all public high school pupils and all high school pupils attending nonpublic high schools.

(b) The Department of Public Instruction shall assist school districts throughout the Commonwealth in the functioning of such program by--

(1) Preparation, publication and free distribution of driver-education instructional material to insure a more complete understanding of the duties of motor vehicle operators;

(2) Making such rules and regulations as may be necessary to carry out such program.

(c) Annual expenditures of the Department of Public Instruction from the Motor License Fund for (1) salaries and expenses of employes of the Department of Public Instruction essential to the program; (2) purchase of visual training aids and psychophysical testing equipment; and (3) costs of preparation, publication and distribution of driver-education instructional material, for assistance to their driver-education programs, shall not exceed three (3) per centum of the annual total amount paid by the Commonwealth to all school districts, or joint school organizations, on account of standardized driver-education programs.

(1519.1 amended Jan. 24, 1966 (1965), P.L.1506, No.528)

Section 1520. American Form of Government to Be Taught.--

(1520 repealed May 9, 1949, P.L.939, No.263)

(c) Records and Reports.

Section 1531. Grading, Classification and Promotion of Pupils.--Teachers in the public schools shall, under the direction of the proper superintendents of schools, grade and classify the pupils in their schools so that they may pursue the courses of study herein provided for, and all pupils found

proficient may be promoted twice each year.

(1531 amended May 9, 1949, P.L.977, No.279)

Section 1532. Records and Reports of Pupils; Districts Second, Third and Fourth Class.--In school districts of the second, third and fourth class, every teacher in the public elementary or high schools shall make and keep a proper record of the work and progress of each pupil, and at the end of each term shall include, in the last monthly report required from such teacher by the provisions of this act, the grade of proficiency of each pupil and his standing in the several branches pursued by him in said school, as well as the conduct of such pupil, together with such recommendations for his promotion or retention for additional preparation as such teacher deems just and proper. Until his record and report as herein required shall have been examined and approved by the district superintendent, or the secretary of the board of school directors, no teacher shall be paid any salary for the last month of his term.

(1532 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1533. Record of Pupils at Beginning of Term.--The district superintendent, or secretary of the board of school directors, in every school district, shall on or before the opening day of school in each term furnish to each teacher or principal in every school a true copy of the standing of each pupil in such school, together with the recommendation made thereon by the principal or teacher of said school at the close of the preceding term.

(1533 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1534. Monthly Reports to School Directors; Districts Second, Third and Fourth Class.--In school districts of the second, third and fourth class every teacher employed in the public schools shall, at the end of each school month, or within five days thereafter, make a report for the past month to the board of school directors. Such reports shall state correctly the number of days the schools were kept open, and, if closed on any days, the reason therefor, the number, age, and sex of all pupils, and the number of days attended by each. Such reports shall be made on blank forms to be furnished the teachers by the board of school directors. No teacher shall be paid more than one-half of his salary for the current month until such report is made. Such reports shall be filed with the secretary of the board, and shall at all times be open to inspection by the public. Any school principal may make such report for the entire school.

(d) Special Instruction and Observances.

Section 1541. Study of Birds, Trees and Conservation of Resources.--Each day designated and proclaimed by the Governor as Arbor Day shall be known also as Bird Day, and it shall be the duty of every teacher in the public schools, to devote, together with their pupils, at least two hours of such school day to the study of birds, trees and general conservation of resources; and it shall be the duty of all district superintendents to see to it that the requirements of this act are complied with.

(1541 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1542. Frances Willard Day.--September twenty-eighth, or the school day nearest such day, in each year, shall be designated as Frances Willard Day, and in each school district and in each school a part of such day may be set apart for

instruction in the life of, and the principals advocated by, Frances Willard.

Section 1543. William Penn Day.--In pursuance to proclamation of the Governor, designating and calling for the observance of the birthday of William Penn, appropriate exercises with respect to the life of William Penn, the Founder and Proprietor and Governor of Pennsylvania, and the principles advocated by him in founding Pennsylvania, shall be held in the public schools and other educational institutions under the Commonwealth.

Section 1544. Free School Day.--The Governor shall annually issue his proclamation, designating and calling upon the public schools of this Commonwealth to observe Free School Day in commemoration of the founding and development of free public schools within this Commonwealth. Free School Day shall be designated and observed each year between the dates of April first and April eleventh, both days inclusive. In pursuance to said proclamation of the Governor, appropriate exercises with respect to, and special study concerning, the founding and development of free public schools within this Commonwealth, and the recognition of the efforts and achievements of Honorable George Wolf, former Governor of this Commonwealth, Honorable Samuel Breck, former State Senator, Honorable Thaddeus Stevens, a member of the Legislature, relative thereto, shall be held in the public schools and other educational institutions within this Commonwealth.

Section 1545. Bill of Rights Week.--The Department of Public Instruction shall designate a week during each year and prescribe a uniform course of exercises to be carried out during that week in the public schools to instill into the minds of the pupils thereof the purpose, meaning and importance of that portion of the Constitutions of the United States and of this Commonwealth known as the "Bill of Rights." Such exercises shall be in addition to the prescribed courses of study in such schools.

Section 1546. Release of Pupils for Religious Instruction.--Any board of school directors of any school district shall have power to enter into suitable arrangement with a religious group, or organization of responsible citizens resident in the school district, who are interested in organizing part-time weekday religious education for school pupils. In such cases the board of school directors shall have power to adopt such rules and regulations for the release from school sessions of those pupils whose parents, or surviving parent, or guardian, or other person having legal custody of such pupil, desires to have them attend a class to receive religious education, in accordance with their religious faith for not more than one hour a week, subject, however, to such conditions and the keeping of such records of attendance at such classes and other records for the inspection of school authorities as the board shall deem proper. No part of the cost and expense of such religious instruction shall be paid out of public school funds.

ARTICLE XVI.
HIGH SCHOOLS.

Section 1601. Types of High Schools; Regulations.--

High schools shall be designated either as junior high schools or senior high schools by the Department of Public

Instruction when they conform to regulations promulgated by the Department of Public Instruction in accordance with standards approved by the State Board of Education.

(1601 amended Oct. 21, 1965, P.L.601, No.312)

Section 1602. New High Schools; Additional Years.--In order to establish a new high school or to add a year of work to the program of a high school or junior high school already in operation in a school district of the fourth class, the approval of the Department of Public Instruction shall be secured in advance of the opening of such school or of making such change in program.

(1602 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1603. Admission of Pupils.--In all school districts there shall be admitted to the public high schools therein all children, under the age of twenty-one years, residing within the school districts, who shall be found qualified for admission thereto, after having undergone such an examination as shall be prescribed by the board of school directors, subject to such rules and regulations as the Superintendent of Public Instruction shall prescribe, together with such additional pupils from other districts as are herein provided for.

Section 1604. Employment of Teachers; Subjects of Study.--Except in school districts of the first class, the board of school directors of every school district shall employ for its high school, during the entire term, a sufficient number of teachers for the teaching of any of the subjects included in the program of studies prescribed by the standards of the State Board of Education for which there shall be an application by fifteen pupils belonging to the grade in which said subject is specified in the program of studies. No pupil shall be counted among the applicants for such subject unless, in the judgment of the principal of the school, he is both qualified and entitled to take such subject in the curriculum he is pursuing. No teacher shall be employed to teach any branch other than those enumerated in his certificate.

(1604 amended Oct. 21, 1965, P.L.601, No.312)

Section 1605. Courses of Study.--(a) In all public, private or parochial schools, there shall be integrated in the social studies curriculum courses of study as provided in this act. It shall be the duty of the superintendent having supervision over any high school to prepare, and recommend to the board of school directors maintaining the same, suitable courses of study, which shall be adopted by said board of school directors, with such changes as they may deem wise, subject to the provisions of this act. During grades seven through twelve inclusive, there shall be included at least four semesters or equivalent study in the history and government of that portion of America which has become the United States of America, and of the Commonwealth of Pennsylvania, of such nature, kind or quality, as to have for its purpose the developing, teaching and presentation of the principles and ideals of the American republican representative form of government, as portrayed and experienced by the acts and policies of the framers of the Declaration of Independence and framers of the Constitution of the United States and the Bill of Rights. The study of the history of the United States, including the study of the Constitution of the United States and the study of the history and Constitution of this Commonwealth, shall also be such as will emphasize the good, worthwhile and best features and points of the social, economic and cultural development, the

growth of the American family life, high standard of living of the United States citizen, the privileges enjoyed by such citizens, their heritage and its derivations of and in our principles of government. Such instruction shall have for its purpose also the instilling into every boy and girl who comes out of our public, private and parochial schools their solemn duty and obligation to exercise intelligently their voting privilege and to understand the advantages of the American republican form of government as compared with various other forms of government.

Such instruction shall continue in courses in the State Colleges to an extent to be determined by the Superintendent of Public Instruction. ((a) amended Sep. 20, 1961, P.L.1530, No.650)

(b) During one or more of the last four years of any complete high school program, there may be included a course of study in first aid or home nursing, or both, for the purpose of training and increasing the available supply of trained personnel for use in any program or activity undertaken pursuant to the act of March nineteen, one thousand nine hundred fifty-one (Pamphlet Laws 28), known as the "State Council of Civil Defense Act of 1951," as amended. The Superintendent of Public Instruction shall direct a course of study to be prepared to assist school districts in complying with the provisions of this section. ((b) amended Apr. 12, 1956 (1955), P.L.1459, No.478)

Section 1606. Supervision; Reports.--Every public high school shall be under the supervision of the superintendent of the district in which said high school is situated.

The board of school directors of every district maintaining a high school shall furnish to the Superintendent of Public Instruction sworn statements giving such information concerning said high school as he may require.

(1606 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1607. Attendance in Other Districts.--Pupils residing in a school district in which no public high school is maintained may attend, during the entire term, at the expense of the school district of which they are residents, the nearest or most conveniently located high school of such class as they may desire to attend, unless the board of school directors of the district of residence shall have assigned the pupils to a high school and adequate transportation is provided thereto. Pupils who reside in a school district in which no public high school, other than a vocational high school is maintained, may attend, during the entire term, the nearest or most conveniently located academic high school. In any district which maintains a high school whose program of studies terminates before the end of the twelfth year, pupils who have satisfactorily completed the program of studies there available in other than vocational schools or departments, or have completed a program of studies equivalent to said program of studies in some other school or schools, may attend, at the expense of the school district in which they live, and for the purpose of pursuing academic studies of a higher grade, the nearest or most conveniently located high school of such type as they may desire to attend giving further high school work.

(1607 amended Aug. 11, 1959, P.L.683, No.228)

Section 1608. Requirements for Attendance in Other Districts.--Pupils wishing to attend a high school in a district other than the high school in the district in which they reside

shall obtain the consent of the board of school directors of the district or joint school of the area in which such high school is located before attending the same. Pupils desirous of having their tuition paid in a high school in another district shall secure written approval from the school board in the district or joint board in the district or joint board of the area of which they are residents. The board of school directors of the district in which any such pupil resides may enter into a written agreement with the receiving district for the attendance and tuition of the pupil.

(1608 amended Aug. 11, 1959, P.L.683, No.228)

Section 1609. Attendance in Other District when Free Transportation Not Furnished.--If any child has completed the elementary course of study in the public schools of the district in which he resides, and resides three miles or more, by public road, from the nearest high school in the district, unless proper free transportation is furnished, he may attend any more convenient high school in another district, without the consent of the board of school directors of the district in which he resides, and the district in which he resides shall be liable to the district whose high school he attends for the tuition charge provided for in this act.

Section 1610. Fitness of Pupils.--All pupils desiring to attend any high school outside the district in which they reside shall first satisfy the superintendent having supervision of the district in which they reside, as well as the superintendent or principal of said high school, of their fitness to enter the same.

Section 1611. Academic Degrees.--The power to confer academic degrees, honorary or otherwise, heretofore granted to and possessed by any board of public education, board of school directors, or controllers of any school district, on the eighteenth day of May, one thousand nine hundred eleven, is hereby vested in the board of school directors of such school district as now constituted. Any public high school, in any school district, existing on the eighteenth day of May, one thousand nine hundred eleven, with a course of study of not less than four years, and upon whose students of the full prescribed course of study such academic or other degrees have heretofore been conferred, shall be continued by the board of school directors of the district in which it shall be located, under such name or title, with such regulations, and courses of study of such length and character, as the board may deem necessary.

Section 1612. State Scholarships for Pupils of Secondary Schools.--(1612 repealed Feb. 2, 1966 (1965), P.L.1886, No.599)

Section 1613. High School Certificates.--The board of school directors, joint board of joint school committee operating any high school shall issue a certificate to each pupil satisfactorily completing the prescribed course of instruction in the high school.

(1613 added Jul. 27, 1953, P.L.629, No.184)

ARTICLE XVII.
JOINT SCHOOLS AND DEPARTMENTS.

Section 1701. Establishment.--The board of school directors in any two or more school districts may, with the approval of the Department of Public Instruction, establish, construct, equip, furnish, and maintain joint elementary public schools, high schools, consolidated schools or any other kind of schools

or departments provided for in this act. The cost of establishing, constructing, equiping, furnishing, and maintaining such joint schools or departments, including the cost of transportation of pupils, shall be paid by the several districts establishing the same, in such manner and in such proportion as they may agree upon. No joint school or department shall be established without the approval of the Department of Public Instruction or without receiving the affirmative vote of a majority of the members of the board of school directors in each district establishing the same. The action of the several boards establishing and maintaining such joint schools or departments shall be recorded in full in the minutes of the respective boards.

(1701 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1702. Raising Funds.--Any school district joining in the establishment of a joint school or department, as herein provided, shall have the same power to raise the necessary funds to pay its share of establishing and maintaining such joint school or department as it has to raise funds to establish and maintain any public school.

Section 1703. Written Agreements between Districts.--No joint school or department of any kind shall be established, unless the several districts intending to establish the same shall first enter into and record in their respective minutes a written agreement, by and among themselves agreeing that such proposed joint school or department shall be established and maintained by the several districts, in such manner and proportion, and upon such terms as the several districts may then agree upon, and no change shall be made therein without the consent of each school district first obtained, by the affirmative vote of a majority of the school directors thereof.

Section 1704. Joint Authority of Boards; Title to Property.--The affairs of joint schools or departments shall be supervised and directed (1) jointly by the several boards of school directors, establishing and maintaining such joint schools or departments, or (2) by a joint school committee, as provided in section one thousand seven hundred seven of this act. When there is no joint school committee, the several boards of school directors are hereby authorized to meet jointly, and exercise the same power and authority over the same as the several boards exercise over the schools in their respective districts. Whatever matter is required by law to be decided by a vote of the majority of all the directors of a school district shall in a joint school or department be required to be decided by a vote of two-thirds of all the constituent boards comprising said joint operation. The vote of any constituent board shall be determined by a majority vote of all the school directors comprising such constituent board. In addition thereto, the matter shall have been voted for by a majority of all the school directors of all of the constituent boards. The title to any real estate, acquired for the purpose of establishing any such joint school or department, shall be held in the name of one or more of the district establishing the same, as they may agree.

(1704 amended Jun. 28, 1951, P.L.934, No.180)

Section 1705. Treasurer; Budget.--The several boards of school directors of the school districts establishing such joint school or department shall meet in joint session at least once a year, for the purpose of adopting the annual school budget. The presiding officer and secretary of the joint session shall be

the president and secretary of the joint board or joint school committee. At such joint session they shall elect, from the treasurers of their respective districts, one who shall act as the treasurer of such joint school or department, for a one year term beginning on the first day of July following his election, to whom shall be paid, by the several districts establishing such joint school or department, the amount agreed upon to be contributed by each district for the support of such joint school or department. They shall fix the salary of the treasurer of such joint school or department annually, at an amount not exceeding two per centum of the funds passing through his hands.

(1705 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1706. Joint School Treasurer.--The treasurer of each joint school or department shall give an approved bond to the several districts establishing the same, to be filed with president of any one of the boards of school directors establishing such joint school or department. The account of such treasurer shall be audited in the same manner and by the same auditors as his account as treasurer of the school district is audited, or in the discretion of the joint board of joint school committee by three auditors selected by the board or committee from among the total number of auditors of all the member districts, or the joint board or joint school committee may employ a certified public accountant to audit the accounts of the joint board treasurer and to fix his compensation. Such joint school treasurer shall be subject to all the provisions of this act, the same as the treasurer of any school district, so far as they apply to him.

(1706 amended Jun. 18, 1959, P.L.472, No.100)

Section 1707. Joint School Committee.--The boards of school directors, establishing any joint school or department, may supervise and direct its affairs, jointly, in the same manner as the affairs of individual school districts are managed; or they may agree that the affairs of such joint school or department may be managed by a joint school committee within the limits of the budget adopted by the joint board. Where such management is delegated to a joint school committee, every school board establishing joint schools or departments shall, at the annual meeting during the month of December, select one or more of its members who, with the members chosen in like manner in the other districts, shall constitute the joint school committee. Every such school board may also select at any annual or regular meeting one or more alternates from its members to serve in the event selected members are unable to attend a meeting of the joint school committee. The alternate, when directed by the president of the school board to attend a meeting of the joint school committee in the absence of the selected member, shall have all the powers and duties of a regular member of such committee. This committee shall have all the powers and duties and be subject to all the liabilities with reference to the supervision, maintenance and regulation of such joint schools or departments as are now conferred or imposed by law upon school boards generally. The affirmative vote of a majority of all the members of this committee, duly recorded; showing how each member voted, shall be required in order to take action upon those subjects enumerated in section five hundred eight of this act. Failure to comply with the provisions of this act shall render void and unenforceable the acts of the joint school committee with reference thereto. The joint board and the joint

school committee, if authorized, shall organize annually during the month of December by electing a president, vice-president and secretary, who shall perform the duties imposed by this act on the president, vice-president and secretary of regular school boards. The secretary so elected shall serve for a term of four years. The expenses of maintaining the joint school or department shall be paid by warrant drawn on the joint board treasurer by the president and secretary of the joint board or the joint school committee.

Whenever two or more boards of school directors, who are at the time members of a joint board operating a joint school or department, join with other boards of school directors in the formation of a joint school committee operating an area vocational-technical school or technical institute, the joint committee may be formed as may be agreed: Provided, That each joint school or department have at least one member on the joint school committee.

(1707 amended Aug. 14, 1963, P.L.1065, No.463)

Section 1707.1. Joint School System Operated by Union or Merged School Districts and Other Districts.--If one or more of the districts comprising an approved administrative unit operating a joint school system, or if one or more districts which are part of an approved administrative unit operating a joint school system, fails to unite with the other member districts and other districts comprising the approved administrative unit in the formation of a union or merged school district, the joint school organization shall continue in operation as a joint school system of the newly formed union or merged school district and the remaining districts unless discontinued under the provisions of section 1708, and the several school boards constituting the joint organization shall, prior to the effective date of the union or merged district, amend the articles of agreement to provide for an equitable plan for the continued operation of the joint school organization. In cases in which the member districts of the joint board or the member districts of the joint board and additional districts constituting the approved administrative unit have failed, by the effective date of the union or merged district, to amend the joint agreement or form a new agreement establishing a satisfactory basis of operation, the affairs of the resulting joint school organization shall be supervised and directed by a joint committee, composed of one member from each school board of the original school districts and one member from each additional district within the approved administrative unit operating the joint organization. In cases where an even number of districts are involved, an additional director shall be elected by the joint school committee from the district having the largest pupil population. The joint committee so composed shall have the powers and duties and be subjected to the same liabilities as provided to joint committees under section 1707 of this act.

(1707.1 amended Jul. 20, 1961, P.L.818, No.354)

Section 1708. Discontinuance.--The several school districts establishing any joint school or department may, at any time by a majority vote of the school directors of their respective districts, discontinue any such joint school or department. The property belonging thereto, when discontinued, shall, unless otherwise agreed upon by the several districts, be disposed of and distributed to and among them in the same proportion as it

was originally contributed.

Section 1709. Traveling Expenses at Meetings of Joint Boards or Joint School Committees.--Each school director of a school district having established a joint school or department with another school district, or, in case the affairs of such joint school or department are being managed by a joint school committee, then each member of such committee, shall receive for his necessary traveling expenses mileage at the rate of seven cents (7¢) per mile for the distance necessary to be traveled in going to and from the meetings of such joint board or joint school committee, not in excess, however, of twelve (12) meetings a year. Said amount shall be paid by warrant drawn on the joint board treasurer by the president and secretary of the joint board or joint school committee.

(1709 amended Feb. 14, 1956 (1955), P.L.1040, No.330)

Section 1830. Rules and Regulations; Pupils from Other Districts.--(1830 repealed Jul. 13, 1957, P.L.898, No.397)

ARTICLE XVIII.
VOCATIONAL EDUCATION.

(a) School Districts.

Section 1801. Definitions.--The following words and phrases as used in this article shall, unless a different meaning is plainly required by the context, have the following meanings:

(1) "State Board for Vocational Education" shall mean the State Board of Education, herein invested with powers to administer this article of this act under the designation of the State Board for Vocational Education. ((1) amended Oct. 21, 1965, P.L.601, No.312)

(2) "Vocational education" shall mean any form of education of less than college grade, given in school or elsewhere, the purpose of which is to fit an individual to pursue effectively a recognized profitable employment, whether pursued for wages or otherwise.

(3) "Vocational industrial education" shall mean those forms of vocational education that fit for industrial pursuits. It includes occupational training for women and girls other than training for the vocation of homemaking. It includes also public and other service occupations.

(4) "Vocational agricultural education" shall mean that form of vocational education which fits for the occupations connected with the tillage of the soil, the care of domestic animals, forestry, and other wage-earning or productive work on the farm.

(5) "Vocational distributive occupational education" shall mean those forms of vocational education designed for those workers engaged in or preparing for employment as distributors to consumers, retailers, jobbers, wholesalers, and others of the products of farm and industry, including, also, managers operating or conducting a commercial service or personal service business, or selling the services of such a business. ((5) amended Sept. 28, 1951, P.L.1551, No.395)

(6) "Vocational homemaking education" shall mean that form attitudes in the subject matter areas of home economics and useful programs that are designed to help individuals and families improve home environment and the quality of family life. ((6) amended Oct. 4, 1978, P.L. , No.184)

(7) "Vocational industrial, vocational agricultural, vocational distributive occupational, or vocational homemaking school or department," or "vocational school or department,"

shall mean a distinctive organization of courses, pupils, and teachers approved by the State Board for Vocational Education, designed to give either vocational industrial, vocational agricultural, vocational distributive occupational, or vocational homemaking education, as herein defined. ((7) amended May 9, 1949, P.L.939, No.263)

(8) "Vocational evening class" shall mean a class providing such instruction for persons sixteen years of age or over, who have left full-time school. These classes may be conducted in the evening, or at hours when workers are able to attend, and shall include instruction that will either increase the skill or knowledge of the worker in the occupation in which he is employed, or include instruction for those who are unemployed or about to become unemployed because of changing conditions in industry, and whose previous experience, as a background, prepares them for employment in related fields within a limited time.

(9) "Vocational evening class" in vocational homemaking shall mean a class giving training as indicated in clause (6) for students during the evening. ((9) amended Oct. 4, 1978, P.L. , No.184)

(10) "Vocational homemaking school or department" shall mean a vocational school or department designed to develop, on a vocational basis, the capacity for useful employment as indicated in clause (6). ((10) amended Oct. 4, 1978, P.L. , No.184)

(11) "Part-time schools or classes" shall mean those schools or classes which provide instruction in subjects given to enlarge the civic or vocational knowledge or skill of workers over fourteen years of age who have entered upon employment. Such schools must be so organized as to permit workers, who are qualified for admission, to spend part of their time during the day, week, month, or year in employment, and part of the time in school.

(12) "Part-time cooperative vocational education" refers to that form of vocational instruction that involves attendance on alternate, equal periods of school and work at the vocation during the school year, given in accordance with an agreement by which the school and industry cooperate and coordinate in making available the combined educational and training facilities of both.

(13) "Practical" refers to manipulative or "practice-of-the-trade" aspects of a vocation. It includes such work given in shops, laboratories, mines, drafting rooms, and other places, and is to distinguish such work from "academic" or "nonvocational" education.

(14) "Public service-school" refers to schools, departments, classes, and conferences for the in-service training of public and other service occupations, including policemen, firemen, finance officers, school board officials, and others.

(15) "Vocational Technical Education" shall mean a subject, or combination of subjects, of less than college grade designed to prepare an individual to enter or advance in an occupational field wherein success is largely dependent upon knowledge or techniques and applied sciences, the practice of which involves aspects of planning, managing, controlling, processing or distributing products, sales and services. ((15) added July 13, 1957, P.L.898, No.397)

(16) "Vocational business and office education" shall mean a

subject or combination of subjects of less than college grade designed to prepare an individual to enter or advance in an occupational field wherein success is largely dependent upon skill and knowledge necessary to obtain competency in bookkeeping, clerical, data processing, or stenographic occupations, and similar business pursuits. ((16) added Dec. 22, 1965, P.L.1150, No.446)

Section 1802. State Board for Vocational Education; Executive Officer; Employes.--The Superintendent of Public Instruction shall be the executive officer of the State Board for Vocational Education for the administration of this act. Except as hereinafter otherwise provided, he, as executive officer, shall appoint, from time to time, with the approval of the State Board for Vocational Education, such expert assistants, other than those already provided for by law, as may be necessary in vocational industrial, vocational homemaking, vocational agricultural, vocational distributive or vocational business and office occupational education, and all clerical and other agents necessary in carrying out the provisions of this act.

(1802 amended Dec. 22, 1965, P.L.1150, No.446)

Section 1803. Duties of State Board for Vocational Education; Reports.--The State Board for Vocational Education is hereby authorized and directed to investigate and to aid in the introduction of vocational industrial, vocational agricultural, vocational homemaking, vocational distributive and vocational business and office occupational education; to assist in the establishment of schools and departments for said forms of education, and to inspect and approve such schools or departments as are hereinafter provided. The State Board for Vocational Education shall make a report annually to the Governor and Legislature describing the condition and progress of vocational industrial, vocational agricultural, vocational homemaking, vocational distributive and vocational business and office occupational education during the year, and shall also make such recommendations as the board may deem advisable.

(1803 amended Dec. 22, 1965, P.L.1150, No.446)

Section 1804. Schools or Classes; Supervisors; Principals; Instructors, etc.--In carrying out the provisions of this act, the State Board for Vocational Education shall provide for vocational schools or classes, with the necessary staffs, in accordance with the State Plan for Vocational Education, approved by the Federal Board for Vocational Education.

Principals, instructors and lecturers for the Public Service Institute shall be elected by the State Board for Vocational Education. They shall possess the qualifications established in the State Plan for Vocational Education approved by the Federal Board for Vocational Education.

(1804 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1805. Instruction in Theory and Practice.--In order that instruction in theory and practice may go on together, vocational industrial, vocational agricultural, vocational homemaking, and vocational distributive occupational schools or departments may offer instruction in day, part-time, and evening classes. Attendance upon such day, evening, or part-time classes shall be restricted to those over fourteen years of age.

(1805 amended May 9, 1949, P.L.939, No.263)

Section 1806. Administration by School Districts.--Any school district may, through its board of school directors--

(1) Establish and maintain vocational industrial, vocational agricultural, vocational homemaking, and vocational distributive occupational schools or departments.

(2) Receive any donation made to the school district for the conduct of any vocational school or department or vocational evening classes. The donation shall be administered by or under the direction of the board of directors of the district to which it is made, subject to the approval of the Superintendent of Public Instruction. The board of school directors in any district shall not be obliged to accept any such donation unless it seems proper so to do.

(3) Require a deposit fee of a sum not to exceed ten dollars ($10) from each person enrolling in evening vocational schools or classes. Such deposit fee shall be returned at the close of each term of instruction to all persons so enrolled who have attended seventy-five per cent (75%) or more of the class sessions of the term and may be returned at any time because of death, sickness, or any other cause which the board may deem justifiable.

(4) Acquire land for the purpose of an agricultural school and equip and maintain the same in a proper manner, to be used in connection therewith.

(1806 amended May 9, 1949, P.L.939, No.263)

Section 1807. Joint Vocational Schools or Departments.--Two or more districts may, as provided in article seventeen of this act, through a joint school committee, establish and maintain vocational industrial, vocational agricultural, vocational homemaking, or vocational distributive occupational schools or departments, to be known as joint vocational schools or departments.

(1807 amended May 9, 1949, P.L.939, No.263)

Section 1808. Advisory Committees.--Local school boards and joint school committees administering approved vocational industrial, vocational agricultural, vocational homemaking, or vocational distributive occupational schools or departments may, under a plan to be approved by the State Board for Vocational Education, appoint an advisory committee composed of members representing local trades, industries, and occupations. It shall be the duty of such a committee to counsel with and advise the local or joint board of trustees, and other school officials, having the management and supervision of such schools.

(1808 amended May 9, 1949, P.L.939, No.263)

Section 1809. Attendance in Other Districts and Other States; Pupils from Other States.--(a) Any resident of any school district which does not maintain an approved vocational industrial, vocational agricultural, vocational homemaking, or vocational distributive occupational education day, part-time, or evening class, school or department, offering the type of training which he desires, may make application to the board of school directors of any other district for admission to such school or department maintained by said board. If the board refuses him admission, he may apply to the State Board for Vocational Education for admission to such school or department. The State Board for Vocational Education may approve or disapprove such application. In making such decision the State Board for Vocational Education shall take into consideration the opportunities for free vocational training in the community in which the applicant resides, the financial status of the community, the age, preparation, aptitude, and previous record

of the applicant, and all other relevant circumstances. The decision of the State Board for Vocational Education shall be final. ((a) amended Oct. 4, 1978, P.L. , No.184)

(b) Where any child of school age in any school district resides by the nearest traveled road three miles or more from the nearest vocational high school in any district in this Commonwealth, such child, unless proper free transportation is furnished to a suitable school in this Commonwealth, may, on request of his parents or legal guardian, be assigned by the board of school directors to a more convenient school in another state: Provided, That the consent of the proper school officials in charge of such school in another state to such an arrangement is permitted by the laws of such state, and is agreed to by such officials.

(c) The school district in which the person resides, who has been admitted, as above provided, to an approved vocational industrial, vocational agricultural, vocational homemaking, vocational high or vocational distributive occupational school or department maintained by another school district, shall pay the high school charge provided for by this act. If any school district neglects or refuses to pay for such tuition, it shall be liable therefor, in an action of contract, to the school district or school districts maintaining the school which the pupil, with the approval of the board, attended.

(d) The board of school directors in any school district in this Commonwealth, situate adjacent to another state, may admit to the vocational high school in such district pupils resident in such other state, and may receive tuition for such pupils as in the case of pupils admitted from other districts in this Commonwealth.

(1809 amended May 9, 1949, P.L.939, No.263)

Section 1810. Approved Local or Joint Vocational Schools; State Reimbursement.--Vocational industrial, vocational agricultural, vocational homemaking, and vocational distributive occupational schools or departments shall, so long as they are approved by the State Board for Vocational Education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employment of pupils, and expenditures of money, constitute approved local or joint vocational schools. School districts maintaining such approved local or joint vocational schools or departments shall receive reimbursement from the Commonwealth, as provided for in this act, and shall make such certificates to the Superintendent of Public Instruction as are required by article twenty-five of this act.

(1810 amended May 9, 1949, P.L.939, No.263)

Section 1811. Estimate of Expenses and Reimbursements; Appropriations.--On or before the first Wednesday of January of any year in which the regular session of the Legislature is held, the State Board for Vocational Education shall present to the Legislature an estimate of the amount of money necessary to meet the expenditures to be incurred in the administration of this act for the fiscal year beginning with the first day of the ensuing June, 1961, and beginning with the first day of July of each year thereafter; and the amount necessary to meet the claims of school districts and unions of school districts maintaining approved vocational schools or departments, under the provisions of this act for the school year beginning with the first day of the preceding July. On the basis of such

statement, the Legislature shall make an appropriation of such amounts as may be necessary to meet the expense of carrying this act into effect, and of reimbursing such school districts and unions of school districts for such school year as herein provided.

(1811 amended Jun. 19, 1961, P.L.470, No.236)

(b) Vocational School Districts.

Section 1821. How Constituted.--(1821 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1822. Boards of Directors of Vocational Schools; Secretary; Treasurer.--(1822 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1823. Powers and Duties.--(1823 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1824. Limitation on Powers; Applicability of School Laws.--(1824 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1825. Levy and Collection of Taxes.--(1825 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1826. Determination of Need for Vocational Schools.--(1826 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1827. Action of Board of Directors of Vocational Schools.--(1827 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1828. Elections on Establishment of Vocational Schools.--(1828 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1829. Joint Vocational Schools, Departments or Classes.--(1829 repealed Jul. 13, 1957, P.L.898, No.397)

Section 1830. Rules and Regulations; Pupils from Other Districts.--(Repealed, 1957, Act No. 397, P. L. 898, Section 1)

(c) Area Vocational-Technical Schools and Technical Institutes. (Amended, 1963, Act No. 463, P. L. 1065, Section 3)

(c) Area Vocational-Technical Schools and Technical Institutes. (Hdg. amended Aug. 14, 1963, P.L.1065, No.463)

Section 1840. Definitions.--(1840 repealed Feb. 1, 1966 (1965), P.L.1632, No.579)

Section 1840.1. Definitions.--When used in Article XVIII of this act, the following words and phrases shall have the following meanings unless otherwise required by the context:

"School." The word "school" shall mean an area vocational-technical school.

"Institute." The word "institute" shall mean technical institute.

"Attendance area." An "attendance area" shall mean a geographical area of school districts and pupils to be served by an area vocational-technical school or institute which has been approved by the State Board for Vocational Education.

"Area vocational-technical board." An "area vocational-technical board" shall mean the boards of school directors of all of the participating districts acting jointly.

(1840.1 added Feb. 1, 1966 (1965), P.L.1632, No.579)

Section 1841. Area Vocational-Technical Schools and Technical Institutes Authorized.--An area vocational-technical board may establish, maintain, conduct and operate schools, departments or classes to prepare for vocational industrial, vocational agricultural, vocational homemaking, business and vocational distributive occupations, technical occupations, such as aides and assistants, in physical, biological, space and

other sciences, mathematics, engineering, construction and design, computer programming and maintenance, and health occupations and for any other occupations requiring vocational or technical training and education, to be known as "area vocational-technical schools," for the education of pupils, out-of-school youth and adults residing in the attendance area.

An area vocational-technical board or several area vocational-technical boards jointly may provide for, establish, maintain, conduct and operate schools, departments, or classes to be known as "technical institute" to educate, train and offer post high school programs and courses of not more than two years' duration, which will prepare out-of-school youth and adults for competency in sub-professional, technical, health service, business, commercial, merchandising and skilled occupations and for any other occupations for which technical training is helpful to an employer and increases students' qualifications for employment. Technical institute programs and courses shall be coordinated with those offered in area vocational-technical schools to insure progressive advancement of students. Such institutes shall be organized in accordance with proposals of area vocational-technical boards of school directors, which are approved by the State Board for Vocational Education. All technical institutes shall be established, operated and in all respects conform to standards prepared by the Department of Education and adopted by the State Board for Vocational Education. Area vocational-technical schools, as approved by the State Board for Vocational Education, may be organized as vocational-technical service centers in which pupils may enroll full-time or in which pupils enrolled in academic high schools may elect to attend part-time. Technical institutes approved by the State Board for Vocational Education may enroll out-of-school youth and adults full-time or part-time as the students may elect.

Area vocational-technical school and technical institute attendance areas and standards for courses and equipment shall be in conformity with standards prepared by the Department of Education and approved by the State Board for Vocational Education. (Par. added Dec. 6, 1972, P.L.1417, No.308)

(1841 amended Dec. 28, 1972, P.L.1645, No.346)

Section 1842. Advisory Committees.--Each area vocational-technical board operating an area vocational-technical school and/or technical institute shall appoint an advisory committee, composed of representatives of local trades, industries, business research and educational agencies, occupations, and administrators of the participating school districts. The advisory committee shall advise the area vocational-technical board on such matters as the need for a particular shop, laboratory, occupation, equipment, curriculum, labor management coordination, business and industrial requirements or selection of personnel.

(1842 amended Aug. 14, 1963, P.L.1065, No.463)

Section 1843. Powers and Duties of County Boards.--(1843 repealed Feb. 1, 1966 (1965), P.L.1632, No.579)

Section 1844. Establishment of Schools and Institutes.--(a) The intermediate unit board of directors of each intermediate unit shall call a convention of school directors of all school districts in the intermediate unit to meet separately by attendance areas, to discuss the establishment of an area vocational-technical school or technical institute, as the case

may be and to call upon each district to vote for or against participation in the establishment of a school or institute.

In addition to the method of establishing area vocational-technical schools and technical institutes as provided above, the intermediate unit board of directors may, at any meeting call for an election by the school directors of the districts within an attendance area to determine if an area vocational-technical school or technical institute shall be established. The intermediate unit board of directors shall notify, by certified mail, each school district within an attendance area of its action. At a regular or special meeting of each school board within an attendance area and within sixty days of the receipt of notification, an election shall be held to determine if the district desires to participate in the establishment of an area vocational-technical school or technical institute. The results of this election and the number of votes cast each way shall be certified to the intermediate unit board of directors.

The intermediate unit board of directors shall certify the vote conducted in convention or by mail ballot to the Department of Education and if sufficient school districts vote in the affirmative, the intermediate unit board of directors shall proceed to act as the agency to initiate the final procedures necessary to organize and establish an area vocational-technical school or technical institute in the attendance area. School districts indicating unwillingness to participate in the establishment of an area vocational-technical school or technical institute may become participating districts at a later date according to terms and conditions defined by the then participating districts.

In the event the intermediate unit board of directors fails to call for an election and one or more districts within an attendance area desire an election, they may request the Department of Education to conduct such election in the same manner prescribed for the intermediate unit board of directors. ((a) amended Dec. 6, 1972, P.L.1417, No.308)

(b) ((b) repealed Jan. 14, 1970 (1969), P.L.468, No.192)

(c) In cases where a second or third class school district maintains an approved vocational program, individually or jointly, such district or districts, individually or jointly, may (1) make the program part of the area vocational-technical school, or (2) continue to operate the program independently either as a participating or non-participating district. ((c) amended Aug. 14, 1963, P.L.1065, No.463)

(d) Boards of Public Education of districts of the first class A and first class may establish area vocational-technical schools and technical institutes by the majority vote of the members of such boards, provided such action is approved by the State Board for Vocational Education. ((d) amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1845. Cost of Establishment, Etc., Ownership of Property.--All expenses in connection with the establishment of area vocational-technical schools or technical institutes and additions and improvements thereof shall be borne by the school districts participating therein in the proportions agreed on by the respective districts. Any school district not participating in the original establishment of an area vocational-technical school or technical institute, which later elects to become a participant, shall contribute to the cost of the school an amount agreed on with the then participating districts, and

shall make such further annual payments on account of obligations to the State Public School Building Authority or rentals under leases with municipality authorities as shall be agreed on. All property of each area vocational-technical school or technical institute shall be owned jointly by the several school districts participating in the establishment, maintenance and operation thereof, in the proportion the contribution of each to the cost of acquisition, construction and improvement bears to the total cost.

(1845 amended Aug. 14, 1963, P.L.1065, No.463)

Section 1846. Cost of Maintenance and Operation.--(1846 repealed Jun. 1, 1956 (1955), P.L.2018, No.675)

Section 1847. Attendance of Pupils from Nonparticipating Districts.--On obtaining the consent of the area vocational-technical board operating an area vocational-technical school or technical institute, and with or without the consent of the board of school directors of the district in which the pupil resides, any pupil residing in a nonparticipating district may attend the area vocational-technical school or technical institute. The school district in which the pupil resides shall be charged, for each pupil attending the area vocational-technical school or technical institute, an amount equal to the total approved budget for current expenses, debt service and capital outlay divided by the number of pupils enrolled in the school.

(1847 amended Aug. 14, 1963, P.L.1065, No.463)

Section 1848. State-wide Plan of Area Vocational Technical Schools.--(1848 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 1849. Petitions for Change of Plan.--Future development of area vocational technical schools shall, after approval of the State plan, conform to the plan, and the school directors of a specified attendance area, having reason to question the practicability of the State plan for the specific attendance area or desiring to change the specified area, may present the case to a committee of the State Board for Vocational Education with petition for change. The decision of the State board thereon shall be final.

(1849 added Jul. 13, 1957, P.L.899, No.398)

Section 1850. Area Vocational Technical Joint School Board Committee.--(1850 repealed Feb. 1, 1966 (1965), P.L.1632, No.579)

Section 1850.1. Organization and Operation of Schools and Institutes.--(a) Schools and institutes shall be the responsibility of the participating boards of school directors of an approved attendance area. Such boards of school directors shall have authority to enter into a written agreement by and among themselves establishing such school or institute setting forth, inter alia, the rights and obligations of the participating districts. No change shall be made in such agreement without the consent of each participating school district first obtained, by the affirmative vote of a majority of the school directors thereof. The several participating boards of school directors shall collectively be known as the area vocational-technical board.

(b) The area vocational-technical board shall have authority and its duty shall be:

(1) To provide, as the participating districts may agree, for the assumption by the area vocational-technical board of obligations including, but not limited to, operating expenses,

architect's fees, engineering costs, professional salaries, expenses of acquiring and maintaining sites for schools and institutes, incurred by any county board of school directors or county boards of school directors on behalf of such participating districts pursuant to prior agreements;

(2) To formulate and adopt policies relating to the organization, establishment and operation of the school or institute;

(3) To provide for the administration and operation of the school or institute;

(4) To adopt the budgets for operation of the school or institute as prepared in the same manner provided for in section 687 of this act;

(5) To designate a superintendent of the school or institute, provided, that when a county board or boards is selected as the operating agent as hereinafter provided, a county superintendent of schools shall be designated as the superintendent of the school or institute, and that when the several boards or a committee thereof operate the school or institute as hereinafter provided, a chief school administrator of a participating school district or a county superintendent shall be designated as superintendent of the school or institute;

(6) To exercise all the powers, perform the duties, and be subject to all liabilities with reference to the operation of schools and/or institutes as are now or hereafter shall be conferred or imposed by law;

(7) To make from time to time surveys to determine the current vocational and technical needs of the participating school districts;

(8) To make and establish, and from time to time alter and amend, rules and regulations for the transaction of its business and for the administration of the work under its charge;

(9) To employ temporary professional and professional employes, supervisors and teachers, and to employ all other persons necessary to carry on vocational-technical education and technical institutes, and to determine the salaries to be paid. All temporary professional and professional employes so employed shall have the same rights of tenure, minimum salaries and increments, leaves of absence because of illness or physical disability, leaves of absence because of death in the immediate family or death of a near relative, sabbatical leaves, military leaves, exchange teacher leaves, and membership in the Public School Employes' Retirement System as temporary professional and professional employes of school districts. No professional employe who has attained tenure status as an employe of any area vocational-technical board shall, thereafter, be required to serve as a temporary professional employe before being tendered such a contract when employed by any other part of the public school system of the Commonwealth; ((9) amended May 14, 1968, P.L.119, No.62)

(10) To purchase, lease, rent, improve and sell land, and to build, repair, improve, lease, rent, buy and sell buildings;

(11) To acquire real property by purchase, gift or condemnation, for the purposes of area vocational-technical schools and technical institutes. Such condemnation proceedings shall be instituted and conducted by the board in the name of the participating school districts in the same manner and with like authority as provided by law in the case of school

districts. The title to any real estate, acquired for the purpose of establishing any such area vocational-technical school or institute shall be held in the name of one or more of the school districts establishing the same, as they may agree;

(12) To purchase, lease, rent or otherwise acquire all necessary furniture, implements, books, materials, equipment and supplies;

(13) When authorized by the participating school districts in the attendance area, to provide for free mandated transportation of district pupils to and from the area vocational-technical school in which they have been accepted, and to apply and receive on behalf of the school districts in the attendance area reimbursements on account of such transportation provided;

(14) To make contracts with counties, cities, boroughs, towns, townships, school districts, other political subdivisions, community colleges, public and private agencies, quasi-public agencies, nonprofit corporations, the Federal Government and its agencies and instrumentalities, municipalities and other public authorities, or other persons for carrying out the purposes of this subdivision of this article;

(15) To make an annual report, in writing, to the Department of Public Instruction, and such other reports as the department may require;

(16) To adopt criteria for admitting students to area vocational-technical schools and technical institutes;

(17) To receive Federal, State, school district and other public and private funds and to expend such funds to establish, operate, improve and expand area vocational-technical schools and technical institutes;

(18) When authorized by the participating school districts, and on behalf of such districts, to enter into agreement with the State Public School Building Authority, municipal authorities, political subdivisions, municipal corporations, public and private agencies, quasi-public agencies, authorities, nonprofit corporations and the Federal Government and its agents and instrumentalities to buy land, build, alter, lease, equip and operate facilities for public vocational-technical education and technical institutes;

(19) To prepare and submit to the Department of Public Instruction on or before July 1 of each year, for approval, a budget of proposed expenditures for area vocational-technical schools and technical institutes for the ensuing year;

(20) To accept pupils in area vocational-technical schools and technical institutes from districts not participating in their establishment and maintenance and to establish tuition charges therefor;

(21) To assign pupils residing within school districts participating in an area vocational-technical school and/or technical institutes to vocational schools or departments maintained by other area vocational-technical boards and school districts with the approval of the area vocational-technical boards and the district boards maintaining such schools or departments, and to pay tuition for pupils permitted to attend such area vocational-technical schools, technical institutes and vocational schools or departments;

(22) To locate area vocational-technical schools and technical institutes;

(23) To collect tuition and fees;

(24) To do all things necessary to carry into effect the purposes of this act;

(25) Whenever such schools and technical institutes are authorized, to prepare an estimate of the total cost of and expenditures to be made on account of each area vocational-technical school and technical institute for the following year, such estimate shall be filed with the Department of Public Instruction no later than July 1 of each year for the approval of the department;

(c) All actions of an area vocational-technical board shall be by a majority vote of the members of the board either in convention or by mail ballot, whichever procedure the board shall select: Provided, That the approval of each operating budget shall require an affirmative vote of two-thirds of the participating school districts and a majority vote of all the school directors of all participating districts; and provided further, for purposes of this requirement only, the vote of any participating school district shall be determined by a majority vote of all school directors comprising such participating boards. All votes shall be duly recorded and shall show how each member voted;

(d) An area vocational-technical board shall have power to delegate the operation, administration and management of the school or institute (1) to one or more county boards of school directors acting as agent for the area vocational-technical board; or (2) to a joint committee elected from among the several participating boards of school directors.

(1850.1 added Feb. 1, 1966 (1965), P.L.1632, No.579)

Section 1850.2. Operation by Intermediate Unit Board of Directors Acting as an Operating Agent.--When an intermediate unit board of directors is designated as agent to operate, administer and manage a school and/or institute, such agent shall discharge its duties and responsibilities in accordance with the provisions of a written agreement entered into by the area vocational-technical board and the intermediate unit board of directors. The agreement shall give the agent the power and authority to operate, administer and manage a school and/or institute given by law to an area vocational-technical board and shall provide that the agent shall conduct the affairs of the school and/or institute within the limits of the budget adopted by the area vocational-technical board. In no event shall the powers granted an area vocational-technical board by clauses (1), (4), (11), (17), (19), (22) and (25) of section 1850.1 (b) be delegated hereunder nor shall the powers granted an area vocational-technical board by clauses (9), (10), (12) and (14) of section 1850.1 (b) be delegated hereunder, except to the extent that the subject items are fully provided for within the current budget.

These same provisions shall apply when a joint committee is designated to operate and manage a school and/or institute.

(1850.2 amended Dec. 6, 1972, P.L.1417, No.308)

Section 1850.3. Operation by a Joint Committee.--(a) When a joint committee is selected to operate a school and/or institute, it shall be known as the area vocational-technical school committee.

(b) The membership on such joint committee shall be determined by agreement among the boards of participating school districts, provided always that each participating school

district shall have at least one member thereon.

(c) Each participating board of school directors shall elect one or more of its members, as the case may be, to serve on the area vocational-technical committee. The committee members, so elected, shall serve for a three-year term, commencing the day of their election in the month of December: Provided, however, That in the first election, the terms of office of one-third of the members shall expire at the end of the first year, the terms of office of one-third of the members shall expire at the end of two years, and the terms of office of the remaining one-third shall expire at the end of the third year. The length of the terms of office of the initial members shall be determined by the casting of lots.

(d) Each year, during the month of December, the joint committee shall choose from its members a chairman and vice-chairman, each to serve for one year; and shall, annually, during the month of May, elect a treasurer to serve for one year, beginning the first Monday in July following such election; and shall, during the month of May, once every four years, elect a secretary, who may or may not be a member of the area vocational-technical board, to serve for a term of four years, beginning the first Monday of July following such election. The joint committee shall elect interim officers to serve until the first regular December and May election meetings.

(1850.3 added Feb. 1, 1966 (1965), P.L.1632, No.579)

Section 1851. Establishment and Operation by the Department of Public Instruction.--Where, in the judgment of the State Superintendent of Public Instruction, the provisions of this act relating to the proper vocational education and training of children and adults have not been complied with or the vocational education needs of children and adults are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, establish, maintain, administer, supervise and operate vocational technical, vocational industrial, vocational agricultural, vocational homemaking, vocational distributive, occupational, post high school vocational and technical education or less than college level, schools, departments or classes for the proper vocational education and training of children and adults. Eligibility for enrollment in such classes shall be determined according to standards and regulations promulgated by the State Board for Vocational Education.

(1851 added Sep. 12, 1961, P.L.1272, No.557)

Section 1852. Payment of Shares.--Any school district of the first, first A, second, third or fourth class establishing or participating in the establishment of an area vocational-technical school or a technical institute, individually, or jointly, with two or more districts, shall have the same power and authority to levy taxes to pay or to pay its share of buildings, grounds, equipment, operating expenses and other necessary expenses to establish, maintain and operate such school or institute as it has to levy taxes, to purchase land, construct and equip buildings, and operate elementary schools and any additional schools and departments as defined in section 502 of this act.

(1952 amended Feb. 1, 1966 (1965), P.L.1632, No.579)

Section 1853. Contracts to Lease.--An area vocational-technical board authorized to establish and operate an area

vocational-technical school or technical institute may enter into contracts with the State Public School Building Authority, the General State Authority, municipal authorities, nonprofit corporations, municipal corporations, political subdivisions, public and quasi-public and private agencies, Federal Government and its agencies and instrumentalities to lease lands and buildings for the purpose of operating an area vocational-technical school or technical institute.

(1853 amended Feb. 1, 1966 (1965), P.L.1632, No.579)

ARTICLE XIX.
EXTENSION EDUCATION AND SPECIAL SCHOOLS AND CLASSES.
(Hdg. amended May 9, 1949, P.L.939, No.263)

(a) Extension Education Generally.

Section 1901. Scope of General Extension Education; Definitions.--The following words and phrases, as used in this article, shall, unless a different meaning is plainly required by the context, have the following meaning:

"General extension education" shall designate the instructional and recreational services listed below that are provided and administered by the board of school directors of any school district, but shall not include activities which are subsidized under the provisions of Federal enactment nor the coaching or supervision of interscholastic athletic teams or games.

The areas of "extension education" for which local school districts receive reimbursement from the Commonwealth, as provided in section 1146, shall be as follows:

(1) General extension education credit courses, including

(a) Standard evening high school, and

(b) Summer schools (elementary and secondary).

(2) General extension education noncredit courses organized for classes in which eighty per cent (80%) of the pupils are out-of-school youth and adults, including

(a) Citizenship classes (education for immigrants, education for illiterates),

(b) Adult education for the blind (itinerant and class instruction, parent education for blind),

(c) Home nursing, home management, child care.

(3) Recreation, including

Recreation activities for children and youth from the ages of six (6) to twenty-one (21).

(1901 amended Sep. 12, 1961, P.L.1263, No.554)

Section 1902. Permissive and Required Fee Extension Education.--The board of school directors of any school district may and upon written application, signed by fifteen or more residents of such district above the age of sixteen years who are not in attendance at any public or private day school, shall provide free extension education for said applicants in any area listed in section 1901. The board of directors may close any class of the extension schools when the average attendance for any month falls below ten.

(1902 amended Sep. 12, 1961, P.L.1263, No.554)

Section 1903. When and Where Provided; Eligibility; Limitations.--Extension education shall be provided in school buildings at any time not in conflict with regular day-school

activities as requested by such applicants, and elsewhere at any hour during any day except Sunday or legal holidays which the board may deem advisable.

(1903 amended Sep. 12, 1961, P.L.1263, No.554)

Section 1904. Deposit Fee.--Any board of school directors may require a deposit fee of a sum not to exceed seven dollars and fifty cents ($7.50) from each person enrolling in such extension schools or classes, and may require further that such deposit fees accompany each written application for such extension instruction. Such deposit fee shall be returned at the close of each term of instruction to all persons so enrolled who have attended seventy-five per cent (75%) or more of the class sessions of said term, and may be returned at any time because of death, sickness or for any other cause which the board may deem justifiable.

The board of school directors may require each student to pay a tuition fee for any adult education or recreation activity not listed in section 1901. The tuition fee shall be computed in accordance with section 2561 (4).

(1904 amended Sep. 12, 1961, P.L.1263, No.554)

Section 1905. Certificate or Diploma.--All school credits derived from any curricular course of study in the standard evening high school of any district shall be accepted by the school authorities of that district toward fulfillment of the requirements for graduation from any curriculum of any day school of corresponding grade in that district. Upon the satisfactory completion in the standard evening high school of the curricular courses of study required for graduation from any curriculum of any school district by any person, such person shall be awarded the appropriate school certificate or diploma at the close of the then current school term.

(1905 amended Sep. 12, 1961, P.L.1263, No.554)

Section 1906. Part of Public Schools; Standards.--General extension education shall be an integral part of the public schools of the Commonwealth and of the districts in which it is organized. It shall be under the supervision of the superintendent of the district, as are other public schools of that district. The State Board of Education shall adopt standards for the qualifications and certification of general extension teachers and leaders, pre-approval of instructional budgets and all other matters pertaining to general extension education not inconsistent with this act or other acts pertaining to the public schools of the Commonwealth.

(1906 amended Jan. 14, 1970 (1969), P.L.468, No.192)

(b) Special Schools and Classes.

Section 1921. Free Evening Schools.--(1921 repealed Sep. 12, 1961, P.L.1263, No.554)

Section 1922. Vocational Education for Out-of-School Youth and Adults.--The board of school directors of any school district, when requested in writing by twenty (20) or more out-of-school youth or adults having an administratively feasible educational objective which has been provided for in the State Plan for Vocational Education for which facilities are available, shall inaugurate and maintain such programs so long as enrollment conditions warrant.

(1922 amended May 14, 1949, P.L.1365, No.408)

Section 1923. Teachers of Evening Schools.--All teachers of evening schools must have proper certificates as provided in this act.

Section 1924. Land for Agricultural Schools.--(1924 repealed May 9, 1949, P.L.939, No.263)

Section 1925. Pupils Less than Six or More than Twenty-one.--Any board of school directors may admit persons less than six years of age, or more than twenty-one years of age, to suitable special or vocational schools or departments.

Section 1926. Schools and Classes in Institutions.--It shall be within the jurisdiction of the Department of Public Instruction to organize and to supervise schools and classes according to the regulations and standards established for the conduct of schools and classes of the public school system in the Commonwealth in all institutions wholly or partly supported by the Commonwealth which are not supervised by public school authorities. Schools and classes so established in wholly state-owned institutions shall be financed by the department of the State government having jurisdiction and control of such institutions. Except as otherwise provided by law, a teacher in a school or of a class organized and supervised by the Department of Public Instruction in an institution wholly or partly supported by the Commonwealth, teachers in the Pennsylvania State Oral School for the Deaf, teachers in the Thaddeus Stevens Trade School and teachers in the Scotland School for Veterans' Children shall enjoy the same privileges, including tenure rights and be subject to the same laws as a teacher in the public schools of the Commonwealth.

(1926 amended Oct. 25, 1967, P.L.491, No.237)

ARTICLE XX.
STATE COLLEGES.
(Hdg. amended
May 25, 1961, P.L.227, No.127)

Section 2001. Definitions.--As used in this article, the word "college" or "colleges" shall apply to the State Colleges now existing, and those which may hereafter be created or constituted by, in and for the Commonwealth of Pennsylvania. The word "university" or "universities" shall apply to the State University now existing and those which may hereafter be created or constituted by, in and for the Commonwealth of Pennsylvania.

(2001 amended Feb. 17, 1970, P.L.24, No.13)

Section 2002. State Colleges and State Universities.--There shall be fourteen State Colleges and Universities in this Commonwealth, which shall be known as:

(1) West Chester State College, at West Chester;
(2) Cheyney State College, at Cheyney;
(3) Millersville State College, at Millersville;
(4) Kutztown State College, at Kutztown;
(5) East Stroudsburg State College, at East Stroudsburg;
(6) Mansfield State College, at Mansfield;
(7) Bloomsburg State College, at Bloomsburg;
(8) Shippensburg State College, at Shippensburg;
(9) Lock Haven State College, at Lock Haven;
(10) California State College, at California;
(11) Slippery Rock State College, at Slippery Rock;
(12) Edinboro State College, at Edinboro;
(13) Clarion State College, at Clarion;
(14) Indiana University of Pennsylvania, at Indiana.

(2002 amended Feb. 17, 1970, P.L.24, No.13)

Section 2003. Purpose.--The colleges and universities shall be a part of the Commonwealth system of higher education. Their

purposes shall include serving as institutions of higher learning in Pennsylvania in the arts and sciences, humanities, teaching and other professions, graduate studies, research and such other purposes as may be determined by the Board of State College and University Directors. The colleges and universities shall provide proper facilities for instruction and research in the arts and sciences, humanities, professions, graduate studies and the instruction and education of teachers, for the boarding and lodging of students in residence, and such other necessary or desirable facilities as may be authorized by the Board of State College and University Directors. State Colleges and Universities shall be subject to any master plan for higher education which may be developed by the State Board of Education.

(2003 amended Feb. 17, 1970, P.L.24, No.13)

Section 2003.1. Board of State College and University Directors.--There is hereby established in the Department of Education a departmental board to be known as the Board of State College and University Directors, to consist of fifteen directors to be appointed by the Governor, with the advice and consent of the Senate. Thereafter, all vacancies shall be filled in like manner. The term of each director shall be for six years except that of the directors first appointed, five shall be appointed for two years and their terms shall expire June 30, 1971; five for four years and their terms shall expire June 30, 1973; five for six years and their terms shall expire June 30, 1975. Thereafter, all terms shall be for six years, except that an appointment to fill a vacancy shall be for the unexpired term.

The Secretary of Education or his designated representative shall be the chief executive officer of the Board of State College and University Directors and shall be entitled to attend all meetings of the board but not to vote. The Board of State College and University Directors shall be authorized to employ an executive secretary and staff, who shall perform such duties as may be assigned by the board.

Eight directors shall constitute a quorum. The Governor shall designate, to serve at his pleasure, a member as Chairman of the Board of State College and University Directors.

Members shall receive no compensation for their services but shall be reimbursed for their expenses necessarily incurred in the performance of their duties.

(2003.1 added Feb. 17, 1970, P.L.24, No.13)

Section 2003.2. Duties of the Board of State College and University Directors with Regard to State Colleges.--Subject to the regulation of the State Board of Education, the Board of State College and University Directors shall plan for and coordinate the development of the system of State Colleges. Its powers and duties shall be:

(1) To establish broad fiscal, personnel and educational policies under which the State Colleges shall operate.

(2) To conduct comprehensive planning and establish long and short-range goals for the operation, construction and development of the State Colleges.

(3) To coordinate development among the colleges with respect to the role and scope of each college including size, curriculum emphasis, degree programs, research programs, public service programs and to recommend the approval of new colleges.

(4) To formulate recommendations for Commonwealth financial

support for the State Colleges.

(5) To coordinate, review and submit with recommendations to the Secretary of Education the annual operating and capital budget requirements for each State College.

(6) To establish policies and procedures to be applied by each Board of Trustees in the selection of the president of its respective college, to receive its recommendations, and to submit the same to the Governor and advise him thereon.

(7) To establish broad policies regarding employment rights, promotion, dismissal and tenure of faculty and to develop general rules for faculty appointments, salary schedules and benefits.

(8) To do and perform generally all those things necessary and required to accomplish the role and objectives established by the State Board of Education for the State Colleges.

(9) To recommend to the State Board of Education the establishment of branch or extension campuses by each college.

(10) To represent the State Colleges before the Governor and the General Assembly.

(2003.2 added Feb. 17, 1970, P.L.24, No.13)

Section 2003.3. Duties of the Board of State College and University Directors with Regard to State Universities.--Subject to the regulation of the State Board of Education, the Board of State College and University Directors shall plan for and coordinate the development of the system of State Universities. Its powers and duties shall be:

(1) To recommend to the State Board of Education approval or disapproval of applications by State Colleges for admission to university status.

(2) To coordinate, review and submit annually with recommendations to the Secretary of Education the operating and capital budget requests of each university.

(3) To develop general rules for faculty appointments, salary schedules and benefits and to establish broad policies regarding employment rights, promotion, dismissal and tenure of faculty.

(4) To review degree programs requested by each university.

(5) To represent the universities before the Governor and the General Assembly.

(6) To review and comment upon any long-range educational plans of each university.

(7) To recommend to the State Board of Education the establishment of branch or extension campuses by each university.

(8) To approve or disapprove all university building projects involving the use of State funds or the funds of any authority, agency or instrumentality of the Commonwealth.

(9) To do and perform generally all those things necessary and required to accomplish the role and objectives established by the State Board of Education for the State Universities.

(10) To promote coordination among the universities by making recommendations with respect to the cooperative use of staffs, facilities and curricular offerings and by suggesting ways in which each university can meet its responsibilities within the Commonwealth system of higher education.

(11) To establish policies and procedures to be applied by each Board of Trustees in the selection of the president of its respective university, to receive its recommendations, and to submit the same to the Governor and advise him thereon.

(2003.3 added Feb. 17, 1970, P.L.24, No.13)

Section 2004. Board of Presidents of State Colleges and State Universities.--The Board of Presidents of the State Colleges and State Universities shall consist of the presidents of the several colleges and universities and the Secretary of Education, who shall be the chairman. The board shall recommend educational policies for State Colleges and State Universities and shall act in an advisory capacity to the Board of State College and University Directors. The board shall meet annually or at the call of its chairman. A majority of the board shall constitute a quorum.

(2004 amended Feb. 17, 1970, P.L.24, No.13)

Section 2004.1. Management of State Colleges and State Universities within the Department.--Subject to the stated authority of the Board of State College and University Directors and the boards of trustees, the president of each of the several State Colleges and State Universities shall administer the institution. Each president shall have the power and his duty shall be:

(1) To appoint such officers, faculty members, graduate assistants, and employes as may be necessary in accordance with law, and the standards set by the Executive Board of the Commonwealth and the Board of State College and University Directors.

(2) To fix the salaries of instructional and noninstructional employes in accordance with law, and the standards set by the Executive Board of the Commonwealth and policies of the Board of State College and University Directors.

(3) To make rules for the administration of the college or university including rules under which student organizations may be created and operated.

(4) To prepare and submit, with the approval of the boards of trustees, the annual operating and capital budget requirements for the institution.

(5) To determine from appropriations, fees and other available funds, the expenditures to be made for instructional, administrative, custodial and maintenance services, equipment and supplies, and for furniture for instructional, administrative and service facilities, and to reallocate such sums among the various expenditure classifications as may be necessary for the effective management of the institution, providing that no such reallocation shall exceed the available allocations of the institutions.

(6) To purchase instructional materials, educational, technical, administrative, custodial and maintenance equipment and supplies not in excess of a cost of one thousand five hundred dollars ($1,500) without competitive bidding with the approval of the Board of Trustees, after notice to the Secretary of Property and Supplies, except that such items shall not be bought in series to avoid the dollar ceiling, nor shall any items be included for which the Department of Property and Supplies has contracts, either through schedules or group purchase contracts, current or proposed.

(7) To cooperate with an accept grants and assistance from Federal and State agencies, foundations, industrial corporations, or any other source in the prosecution of research or educational projects including purchase of equipment. Each college and university shall have the power to bank and use such grants as directed by the grantor, subject, however, to the

provisions of clause (6) of this section, where applicable. All moneys received from such sources are hereby appropriated to each of the several State Colleges and State Universities granted such moneys. All such moneys shall be subject to audit by the Auditor General.

(8) To authorize personnel to travel within or without the Commonwealth at State expense in accordance with regulations of the Board of State College and University Directors.

(9) To make rules for the admission, control, and movement of persons and vehicles, and the parking of vehicles on the campus or other land of a State College or State University and to provide reasonable charges for the use thereof, as well as reasonable penalties for the violation of said rules.

(10) To define academic standards and standards for admission in accordance with regulations of the Board of State College and University Directors.

(11) To make contracts with school districts, agencies or corporations so that students may engage in student teaching or other professional training in order to obtain experience in a particular field.

(12) To fix student activity and related fees in accordance with policies established by the Board of State College and University Directors.

(13) To enter with the approval of the Board of Trustees into contracts for consultative services not to exceed one thousand dollars ($1000).

(14) To establish rules regarding employment rights, promotions, dismissals and tenure of faculty and other employes, subject to the approval of the Board of Trustees and in accordance with broad policies established by the Board of State College and University Directors.

(15) To determine institutional memberships in learned societies and professional organizations which will have significance to the welfare of the institution within the limits established by the Board of State College and University Directors.

(16) At his discretion, to make contribution to those volunteer fire companies that provide fire protection to the property of State Colleges and State Universities, subject to the approval of the Board of Trustees. ((16) added Aug. 1, 1975, P.L.168, No.86)

(2004.1 added Feb. 17, 1970, P.L.24, No.13)

Section 2005. No Religious Tests.--No religious test or qualification shall be required to entitle anyone to become a trustee, professor, teacher or student in any college.

Section 2006. Practice Teaching.--(2006 repealed Feb. 17, 1970, P.L.24, No.13)

Section 2007. Examinations; Certificates; Diplomas.--The Superintendent of Public Instruction shall prescribe and conduct such examinations of students in the several colleges as he may deem necessary to determine and fix the standards of instruction in, and of graduation from, any of the curriculums of the colleges. Each graduate from a college shall receive such a certificate or diploma as the Department of Public Instruction shall prescribe.

(2007 amended Oct. 21, 1965, P.L.601, No.312)

Section 2008. Board and Fees.--The cost of room, board and fees shall be fixed by the Secretary of Education upon recommendation of the Board of State College and University

Directors. (Par. amended Feb. 17, 1970, P.L.24, No.13)

The tuition of all students at the State Colleges, who are residents of Pennsylvania, shall be paid by the Commonwealth. Sufficient appropriations shall be made for this purpose. In addition to such appropriation, the board of trustees with the approval of the Superintendent of Public Instruction may fix a basic fee applicable to all undergraduate students and may charge such other fees as may be necessary for the proper operation of the college and may refund from their respective advancement funds any advance registration deposits paid by prospective students who are unable to enter college.

A differential in the basic fee may be established for those students who sign an agreement to teach in the public schools of this Commonwealth for not less than two years and who are pursuing therein regular courses for the preparation of teachers.

In addition to the other fees from time to time fixed, charged and collected in the manner provided by law, a fee of ten dollars ($10) per semester of eighteen weeks and a proportionate fee for each trimester, quarter, term and summer sessions of six weeks or three weeks shall be fixed, charged and collected from each student while in attendance at a college which has constructed a student community building, or at a college for which the General State Authority has taken title to a student community building, which fee shall be credited to the Department of Property and Supplies and shall be fixed by boards of trustees in amounts sufficient to meet rentals due the General State Authority, pursuant to contracts to lease student community buildings constructed by the said Authority for the use of the State Colleges.

In addition to rental fees from time to time fixed, charged and collected in the manner provided by law from each person residing in State-owned or State-leased residential facilities at a State College for the maintenance and operation of such facilities, a sum of not more than three dollars per week shall be fixed, charged and collected from each such person as an additional rental fee. Such additional rental fees shall be paid to the Commonwealth and as much of said fees as may be necessary shall be credited to the Department of Public Instruction for the creation of--

(a) A Reserve Fund for Contingencies and Capital Replacements, provided by annual payments from each teachers' college at the rate of one cent ($.01) per cubic foot for each dormitory constructed, and

(b) A Furniture and Equipment Reserve Fund, provided by annual payments from each State College at the rate of eight per cent of the original cost of furniture and equipment for each building, with the further provision that such payments to these reserve funds shall be deposited annually to the credit of the contributing college in order that accrued annual payments and earned interest may be available for the exclusive use of the contributing college for the specific purposes designated or for such purposes as may be approved by the Superintendent of Public Instruction.

All moneys accumulated in the above reserve funds shall be paid by the Department of Public Instruction from the funds for the purposes for which the funds were created in accordance with disbursement procedures as provided by law. All additional rental fee moneys collected in excess of the amounts required to

be deposited in the reserve funds shall be credited to the Department of Property and Supplies and paid on account of rentals due the General State Authority pursuant to contracts to lease dormitories constructed by the said Authority for the use of the State Colleges.

(2008 amended Jul. 25, 1963, P.L.308, No.163)

Section 2008.1. Boards of Trustees of State Colleges and Universities.--The Board of Trustees of each of the State Colleges and Universities shall consist of nine members who shall be appointed by the Governor.

The terms of each member of each such board shall be six years, and until his successor is appointed and qualified. All members of the boards of trustees of the several State Colleges and Universities serving as administrative boards on the effective date of this act shall continue to serve as members of those boards of trustees for the balance of the respective terms for which they were appointed. Their successors and all members of all boards, appointed to succeed members who have served six-year terms, shall be appointed for terms of six years from the date of the expiration of the preceding term. All boards shall contain a member who is a full-time undergraduate student enrolled for at least twelve semester hours, other than a student in his freshman year. The student member shall be appointed for a term of three years from the date of the expiration of the preceding term or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter. Vacancies happening before the expiration of a term shall be filled in like manner for the unexpired term.

Five members of any such board shall constitute a quorum.

Each such board shall select from its members a chairman and a secretary.

(2008.1 amended Dec. 6, 1972, P.L.1413, No.306)

Section 2008.2. Duties of Boards of Trustees of the Several State Colleges.--The Board of Trustees of each of the several State Colleges shall have the powers and its duties shall be:

(1) To review all matters pertaining to the welfare and well-being of the college and its students and to make recommendations to the president with respect thereto.

(2) To recommend to the Governor through the Board of State College and University Directors the appointment of a president.

(3) To represent the Commonwealth at official functions of the college.

(4) To develop means and methods of establishing proper relations and understanding between the college and its program and the public in order to serve the interests and needs of both.

(5) To establish grievance procedures for State College employes in accordance with policies established by the appropriate Commonwealth agencies.

(6) To conduct an annual physical inspection of facilities and make recommendations to the Board of State College and University Directors.

(7) To approve the annual operating and capital budget requirements for the institution prepared by the president and to forward same to the Board of State College and University Directors.

(8) To review and approve all direct purchases made by the president without competitive bidding.

(9) To approve the appointment of all employes in accordance with law, and standards set by the Executive Board of the Commonwealth, the Civil Service Commission, and policies of the Board of State College and University Directors.

(10) To review and approve contracts for consultative services entered into by the president.

(11) To approve recommendations of the president pertaining to the waiver of fees.

(2008.2 added Feb. 17, 1970, P.L.24, No.13)

Section 2008.3. Duties of the Boards of Trustees of the Several State Universities.--The Board of Trustees of each State University shall have the powers and its duties shall be to:

(1) Formulate plans for the growth and development of the university.

(2) Approve recommendations of the president pertaining to (i) budgets and expenditures and forward same to the Board of State College and University Directors; (ii) the waiver of fees; (iii) schools and curricular programs; and (iv) the appointment, rank, salaries, tenure of instructional staff and noninstructional staff and administrative personnel in accordance with law, and standards set by the Executive Board of the Commonwealth, the Civil Service Commission, and policies of the Board of State College and University Directors.

(3) Make policies providing for the admission and expulsion of students, courses of instruction and for all other matters related to the government and administration of the university.

(4) Exercise such other powers and perform such other duties as are necessary to carry into effect the provisions of this act.

(5) To recommend to the Governor through the Board of State College and University Directors the appointment of a president.

(6) To review and approve all direct purchases made by the president without competitive bidding.

(7) To grant, on behalf of the university, subject to the approval by the Board of State College and University Directors, the degrees of bachelor of arts, bachelor of science, and bachelor of fine arts for successful completion of prescribed undergraduate courses of study, and the degrees of master of education, master of arts, master of science, doctor of education, and doctor of philosophy for successful completion of prescribed graduate courses of study, as well as other degrees recommended by the Board of Trustees and approved by the Board of State College and University Directors.

(2008.3 added Feb. 17, 1970, P.L.24, No.13)

Section 2009. Vocational Education and Rehabilitation Programs; Conversion for Other Purposes, etc.--(2009 repealed Feb. 17, 1970, P.L.24, No.13)

Section 2010. Vocational Rehabilitation Education of War Veterans and Defense Workers.--(2010 repealed Sep. 12, 1961, P.L.1258, No.552)

Section 2011. Powers of Superintendent of Public Instruction.--It shall be the duty of the Superintendent of Public Instruction to prescribe all forms, and to give all instructions required for carrying into full effect the provisions of this act establishing and regulating the State Teachers' Colleges on all points not herein set forth in detail.

Section 2012. Research Projects, Authority to Accept Grants.--(2012 repealed Feb. 17, 1970, P.L.24, No.13)

ARTICLE XXI.
SCHOOL DISTRICTS OF THE FIRST CLASS.

Section 2101. Additional Provisions.--Subject to the general provisions of this act, and in addition to the several provisions regulating the affairs of school districts of the first class, as otherwise provided, the following additional provisions shall relate to and regulate school districts of the first class.

(a) Administration of Schools.

Section 2102. Board of Public Education.--In each school district of the first class, the board of school directors herein provided shall be known and designated as "The Board of Public Education" of said district.

The board of public education in each school district of the first class shall succeed to, and shall have and possess, all the powers, rights and privileges, not inconsistent with this act, which the present existing board of public education in its respective district now lawfully has.

Section 2103. Board of Public Education; Additional Duties.--The duties of the board of public education in districts of the first class, in addition to the duties prescribed in this act, shall be--

(1) To define the general policies of the school system,

(2) To legislate upon all matters pertaining thereto,

(3) To determine and direct all expenditures for the maintenance and improvement of the school system,

(4) To appoint the officers herein prescribed and define their duties,

(5) To appoint teachers,

(6) To grant and award scholarships on a merit basis,

(7) In general to legislate upon all matters concerning the conduct of the schools subject to the provisions of this act.

Section 2104. Superintendents of Schools or Buildings and of Supplies.--The board of public education in each school district of the first class shall, whenever a vacancy in said office shall occur, appoint a district superintendent, who shall be designated and known as superintendent of schools, for a term of not more than six (6) years. The board may also appoint a superintendent of buildings and a superintendent of supplies. The board shall prescribe the terms and duties and fix the salaries of each of such employes. They shall be responsible to the board for the conduct of their respective departments, shall make annual reports to the board, and shall from time to time submit such plans and suggestions for the improvement of the schools and the school system as they shall deem expedient or as the board of public education may require.

The superintendent of buildings shall be an engineer or architect of good standing in his profession. The superintendent of buildings and the superintendent of supplies shall each give such security for the faithful performance of the duties of their respective offices as the board of public education shall prescribe.

Section 2105. Superintendent of Schools; Additional Retirement Allowance.--When a superintendent of schools in a district of the first class, has been employed in the public schools of the Commonwealth for fifteen or more years, and is retired from service under the operation of the State School Employes' Retirement System, the board of public education may,

when the superintendent of schools has previously served as a teacher, principal, or superintendent of schools, in public schools in the United States of America outside the Commonwealth, provide for the payment to the superintendent of schools annually, during his retirement, of a sum equal to the difference between his annual retirement allowance, based on the service in the public schools of the Commonwealth and according to his optional election at the time of retirement, and the annual allowance to which he would have been entitled had he been given credit for his period of service as teacher, principal, or superintendent of schools, both outside and within the Commonwealth. A superintendent of schools when thus retired may be designated by the board as superintendent emeritus.

Section 2106. Superintendent of Buildings; Additional Retirement Allowance.--When any person occupying the position of superintendent of buildings in a district of the first class, who is under the superannuation retirement age fixed by the statutes governing the State School Employes' Retirement System, but who has been employed in the public schools of the Commonwealth continuously for thirty years or more, is retired under the operation of that system because of disability, the board of public education may provide for the payment to such superintendent of buildings annually during his retirement, of a sum equal to the difference between the annual retirement allowance actually paid to him under the State School Employes' Retirement System according to his optional election at the time of retirement, and the annual allowance to which he would have been entitled under said system had he served, at the salary paid to him at the date of his retirement, until superannuation age and then retired under an election to receive his benefits by way of an undiminished superannuation retirement allowance payable to him throughout life.

Section 2107. Associate and Assistant District Superintendents.--Supervision of all matters pertaining to instruction in all the schools, under the direction and subject to the approval of the board of public education, shall be vested in the superintendent of schools, associate superintendents, assistant district superintendents, and school principals. Associate and assistant district superintendents may be appointed by the board of school directors, upon the nomination of the superintendent of schools. They shall receive such compensation as the board of public education may determine. They shall be under the supervision and direction of the superintendent of schools. Assistant district superintendents shall be assigned by the superintendent of schools to administrative districts. They shall, in conjunction with the school principals, inquire into and supervise all matters relating to the government, courses of study, method of teaching, discipline, and conduct of all schools in their respective districts, and shall report the same when required to the superintendent of schools.

Section 2108. Qualifications of Principals and Teachers.--The board of public education in each school district of the first class shall prescribe the mode or modes of determining the qualifications of applicants for positions as principals or teachers in the schools of the district, and shall designate the kinds or grades of teachers' certificates which may or shall be used in the district, together with the scholastic, professional, and personal qualifications required for each kind

or grade of certificate.

No certificate shall be granted to any person who is not of good moral character, or to any person who shall not first have presented a certificate, from a physician recognized by the board of public education as competent for the purpose, setting forth that said applicant is neither mentally nor physically disqualified by reason of tuberculosis, or any other chronic or acute physical defect, from successfully performing the duties of a teacher.

Section 2109. Board of Examiners of Applicants for Positions.--A board of examiners, whose duty it shall be to examine all applicants for places upon any of the eligible lists required by this act, from which appointments to serve under the board of public education are made, may be constituted by the board. The superintendent of schools shall nominate to the board of public education for appointment such number of persons for the board of examiners as the board of public education may authorize. The superintendent of schools shall act as chairman of the board of examiners. He shall prescribe such examination as, upon his recommendation, the board of public education may approve, or as its rules may direct.

Section 2110. Eligible Lists of Persons Qualified to Teach; Appointments.--Eligible lists, properly classified containing the names of persons who have received certificates of qualifications to teach, and arranged as nearly as possible in the order of rank or standing, shall be kept in the office of the superintendent of schools, and shall be open to inspection by members of the board of public education, associate and district superintendents, and principals.

Except as superintendent of schools, associate superintendent, assistant district superintendent, director of a special branch, or as a principal of a high school, junior high school, state teachers' college, or vocational school, no person shall be appointed, promoted, or transferred to any educational position in the public school system, in school districts of the first class, whose name does not appear among the three highest names upon the proper eligible list. No person holding a position at the time of the passage of this act shall be displaced by the above provisions.

Section 2111. Superintendent of Buildings; Duties; Assistants; Plans.--The superintendent of buildings shall be responsible for the condition and care of all school buildings and premises. He may appoint such assistants as the board of public education may authorize and approve. Such assistants shall receive such compensation as the board shall determine, and shall perform their duties to the satisfaction of the superintendent of buildings. All plans for new school construction, additions or repairs shall be approved by the superintendent of buildings and shall be submitted to the superintendent of schools for criticism, before submission to the board of public education for adoption.

Section 2112. Janitors.--The board of public education shall employ janitors for the school buildings of the district and shall fix their salaries. The superintendent of buildings shall have the right to recommend the appointment of suitable janitors for all school buildings in the district and the removal of such janitors for proper cause. All janitors shall discharge their duties under the direction and to the satisfaction of the superintendent of buildings. No janitor now employed shall be

displaced by the provisions of this act except for cause.

Section 2113. Superintendent of Supplies; Duties; Assistants.--The superintendent of supplies shall be the executive agent of the board of public education, for the purchase, custody and distribution of all supplies needed for the schools, under such regulations as the board shall prescribe. He may appoint such assistants as the board of public education may authorize and approve. Such assistants shall receive such compensation as the board may determine and shall perform their duties to the satisfaction of the superintendent.

(b) Fiscal Affairs.

Section 2121. City Controller to be Elected School Controller; Deputy Controller.--In each school district of the first class or first class A, the board of public education therein shall elect the controller of the city comprising all or the greater part of such district as school controller for said district for and during his term of office as city controller. The school controller of each school district of the first class or first class A may recommend to the board of public education for appointment a deputy school controller. The board of public education shall appoint as deputy school controller the candidate recommended by the school controller, who, in case of death, resignation or inability of the school controller to act for any cause whatsoever, shall have the same powers and shall perform the same duties as imposed by law on the school controller. In case the school controller does not recommend to the board of public education for appointment a deputy school controller, the board of public education may elect a deputy school controller who shall serve until such time as the school controller recommends to the board of public education the appointment of a deputy school controller. The salary of the deputy school controller shall be fixed by the board of public education. He shall furnish bond in the sum of ten thousand dollars ($10,000).

(2121 amended Jun. 2, 1965, P.L.86, No.59)

Section 2122. Oath, Bond, and Compensation of Controller.--Every person elected as a school controller shall, before entering upon such duties of his office, take or subscribe to the oath or affirmation herein provided for school directors, and shall furnish to the school district in which he is elected a proper bond, in the amount of twenty-five thousand dollars ($25,000), with such surety or sureties as the board of school directors may approve, conditioned upon the faithful performance of all duties of his office during his term.

The school controller in each district of the first class shall be paid, from the funds of the school district, an annual salary of four thousand four hundred dollars ($4,400), payable monthly. The school controller in each district of the first class A shall be paid, from the funds of the school district, an annual salary fixed by the Board of Public Education, payable monthly.

(2122 amended Jan. 16, 1974, P.L.1, No.1)

Section 2123. Vacancies.--In case there is a vacancy in the office of school controller, by reason of death, resignation, or otherwise, such vacancy shall be filled by the election of the city controller by the board of public education for and during his term of office as city controller.

Section 2124. Clerks; Stationery, etc. for Controller and Treasurer.--The board of public education in school districts of

the first class shall appoint upon the recommendation of the school controller and school treasurer respectively such clerks as they deem necessary to assist them in the performance of their duties. All such appointments shall be made upon the recommendation of the school controller and school treasurer. Their salaries shall be fixed by the board of public education at the time the appointments are made. The school controller and school treasurer shall, in addition to their salaries, be furnished, by the school district in which they are elected, with necessary stationery and books, required by them in the performance of their duties as school controller or school treasurer.

Section 2125. School Orders.--In every school district of the first class the school controller shall approve all proper school orders, drawn on the school treasurer, before the same are paid. He shall not approve any school order issued in violation of any of the provisions of this act.

He shall at all times have access to all the accounts, books, records, and papers of the district so far as they relate to the school finances, and may require from the board of public education, or any person presenting any school order, such evidence or information regarding its correctness as he may deem proper.

Section 2126. Contracts.--All contracts made by any school district of the first class shall state therein on what item in the annual estimate of school expenditures the same is based. Every contract before becoming valid shall be properly certified by the school controller, who shall, at the time of so doing, charge up the amount of any such contract against the item in the annual estimate on which the same is based. No contract shall be certified by the school controller if the amount to become due thereon shall exceed the item of expenditure on which it is based.

(2126 amended Apr. 2, 1949, P.L.692, No.164)

Section 2127. Payment of Contracts; Liability of Controller and his Surety.--It shall be the duty of each school controller to certify all contracts, for the payment of which a sufficient sum has been provided in the annual school estimate as herein provided. If any school controller shall certify any contract in excess of the amount of the item of expenditure in the annual estimate made thereof, he together with his surety or sureties shall be individually liable on his bond therefor.

Section 2128. Estimates of Expenses.--The annual estimate of expenses made by the board of public education in each school district of the first class, at or before the time of assessing and levying the annual school tax, shall be certified to the school controller of the district by the secretary of the board. The school controller shall, in a proper book or books kept for that purpose, keep an account with each item of expenditure as therein stated or thereafter changed by the board in the manner herein provided. He shall charge up against each item of such estimate all school orders drawn against the same, at the time they are approved by him, and he shall not permit any such estimate to be overdrawn. He shall furnish to the board of public education a monthly statement showing the original amount of each item of such estimate, the amount paid out thereon, and the balance, if any, on hand. If any item is exhausted he shall promptly notify the board of such fact.

Section 2129. Annual Statement of Finances for Past Year.--

The school controller in every school district of the first class shall, on or before the tenth day of January of each year, submit to the board of public education therein an annual itemized statement of the finances of the school district for the past year. Such statement shall include all assets of the district and the source from which they were obtained, together with the amount of uncollected school taxes, stating the amount of delinquent taxes of each year remaining unpaid. The statement shall also set forth the disbursements named in the several items of expenditure, as well as the outstanding indebtedness of the district, if any, together with the rate of interest on the same and when it becomes due. It shall include a statement of the sinking fund of the district, if any, including the securities therein held by the district. The statement shall also contain such further facts and information as the controller may see proper to report.

Section 2130. Information for Estimates and Tax Levies.--The school controller shall also furnish annually to the board of public education, on or before the first day of November, such information as he may think proper, or as may be required of him by the board of public education, in order to enable it to prepare the annual estimate of expenditures and tax levy for the coming school year.

Section 2131. Publication of Annual Financial Statements.--The annual financial statement, or any part thereof, furnished by the school controller in any district of the first class to the board of public education, shall be published by the board of public education in two newspapers, designated by the board, once a week for three successive weeks, beginning the first week after the same has been furnished to it.

(2131 amended Sep. 28, 1951, P.L.1551, No.395)

Section 2132. Transfers of Real Estate.--Notwithstanding the provisions of section seven hundred seven of this act, the board of public education in each school district of the first class may dedicate, sell, donate, convey or lease to the city comprising the district any real estate owned by it for any lawful purpose upon such terms with or without consideration as it may determine.

(2132 added Sep. 27, 1955, P.L.651, No.174)

ARTICLE XXII.
TEACHERS' AND EMPLOYES' RETIREMENT FUNDS.

Section 2201. Establishment of Funds by Districts.--The board of school directors of any district is hereby authorized and empowered to establish, contribute to, and administer as herein provided, a teachers' retirement fund. The fund shall consist of all funds available for like purposes in the district at the time of the enactment of this law, together with such additions thereto as the board of school directors may, from time to time, appropriate for that purpose from the funds of the district, and such moneys or other property as may be donated, bequeathed, devised, or received from any other source for such purpose.

The board of public education of any district of the first class is hereby authorized and empowered to establish, contribute to, and administer as herein provided, in addition to the foregoing fund, an employes' retirement fund. This fund shall consist of all funds available for like purposes in said

district at the time of the enactment of this act, together with such additions thereto as the board of public education may, from time to time, appropriate for that purpose from the funds of the district, and such real or personal property as may be donated, bequeathed, devised, or received from any other source, for such purpose.

Section 2202. Contributions by Employes.--The board of school directors of any district may provide, in the contracts with its teachers, principals, or supervising officials, that they shall contribute a reasonable sum from their salaries each year to said retirement fund. No person shall be required to contribute any part of his salary to any retirement fund, unless the same is provided for in the contract by which he is engaged.

The board of public education of any district of the first class may provide, in the contracts with its employes that they shall contribute a reasonable sum from their salaries each year to said retirement fund. No employe shall be required to contribute any part of his salary to the retirement fund, unless the same is provided for in the agreement by which he is engaged.

Section 2203. Representation of Employes.--Where the teachers, principals, or supervising officials of any district contribute to any retirement fund, they shall be represented in making the regulations governing it, and in its control and management.

When employes of any school in districts of the first class contribute to a retirement fund, they shall be represented in making the regulations governing it, and in its control and management.

Section 2204. Retirement Annuities.--Every teacher, principal, or supervising official who retires in accordance with the regulations prescribed shall be entitled to such annuity as said regulations provide.

Every employe of any school district of the first class who retires in accordance with the regulations required shall be entitled to such annuity as the regulations provide.

ARTICLE XXIII.
PUBLIC SCHOOL LIBRARIES.

Section 2301. Management and Supervision.--(2301 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2302. Board of Library Trustees; How Constituted.--(2302 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2303. Appointments; Terms; Vacancies; Officers.--(2303 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2304. Rules and Regulations; Powers and Duties.--(2304 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2305. Appropriations; Limitation; Establishment, etc.--(2305 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2306. Payment of Money for Libraries.--(2306 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2307. Aid to Individual or Association Library.--(2307 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2308. Donations of Books, etc.--(2308 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2309. Circulation of Books; Branch Libraries.--(2309 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2310. Library Hours; Use by Residents of Other

Districts.--(2310 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2311. Audit of Receipts and Expenditures.--(2311 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2312. Reports to State.--(2312 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2313. Joint Action of School Districts.--(2313 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2314. Merger of Library Boards on Consolidation of School Districts; Discontinuance of Library.--(2314 repealed Jun. 14, 1961, P.L.324, No.188)

Section 2315. Districts Second Class; Library Tax for Support, etc. of Municipal Library.--(2315 repealed Jun. 14, 1961, P.L.324, No.188)

ARTICLE XXIV.
AUDITING OF SCHOOL FINANCES.

(a) General Provisions.

Section 2401. By Whom Audited.--The finances of every school district and of every joint school board, in every department thereof, together with the accounts of all school treasurers, school depositories, teachers' retirement funds, teachers' institute funds, directors' association funds, sinking funds, and other funds belonging to or controlled by the district, shall be properly audited as follows:

(1) In all school districts of the first class, by the school controller.

(2) In all school districts of the second, third and fourth class, except as hereinafter otherwise provided, by the controller or auditors of the city, borough, incorporated town, or township in which the whole or the greater or greatest portion of the area of the district is located.

(3) When in any school district of the second class the annual expenditures, exclusive of moneys received from the sale of bonds, exceeds the sum of five hundred thousand dollars ($500,000), such district may employ a certified public accountant within sixty days from the close of the fiscal year.

(4) Any school district of the second, third or fourth class and any joint school board may employ an independent auditor who shall be a certified public accountant or competent public accountant prior to the end of the fiscal year, and when so employed, such independent auditor shall audit the finances of such school district or such joint school board for such fiscal year instead of the controller or auditors hereinbefore referred to, and shall have all the powers and duties of such auditors, except that the audits shall be made in accordance with generally accepted auditing standards. The compensation of the independent auditor shall be fixed by the employing board of directors and shall be paid from the funds of the school district or of the joint school board, as the case may be. ((4) amended Dec. 1, 1965, P.L.980, No.361)

(5) In any school district constituted of two or more municipal divisions by reason of the creation of a new city, borough or township, and the fact that such new city, borough or township, or a part of the original school district remaining after its separation, would constitute a fourth class school district, and the creation of such fourth class school district has not been approved, the auditors or the controllers of the cities, boroughs, towns, or townships last created and which do not form a separate school district shall meet annually with the

auditors of the school district and participate in the audit of the school accounts, and such auditors or controllers shall have the same rights and powers as are conferred by this act upon the auditors of schools accounts. ((5) amended Oct. 21, 1965, P.L.601, No.312)

(6) In all independent school districts, by the proper auditors, herein provided for school districts of the class in which they belong, and where an independent school district of the fourth class is taken from two or more school districts, its accounts shall be audited by the auditors of the school district in which its buildings are located.

(7) In union or merged school districts the court of common pleas of the county in which the district is located, upon petition of the board of school directors of such union or merged school district, shall, as soon as convenient after the creation of the district, appoint three persons to audit the financial accounts of the district. The auditors so appointed shall, on the first day of July, at the time of organization, or within five days thereafter, and within thirty days, carefully audit and adjust the financial accounts of the school district for the preceding school year. At the first municipal election after a union or merged school district is created there shall be elected three school auditors, one for a term of two years, one for a term of four years, and one for a term of six years, and their successors thereafter shall be elected for terms of six years each. When a vacancy occurs in the office of auditor in any union or merged school district by reason of death, resignation, removal from the school district, or otherwise, the court of common pleas of the county in which the district is located, upon petition of the board of school directors of such union or merged school district, shall appoint a person to hold such office for the unexpired term of the person whose place he is appointed to fill. The compensation of both the appointed and elected auditors shall be ten dollars ($10) per day for each day necessarily spent by each auditor. The total expense of such auditing, including the cost of filing the report, advertising, and other necessary costs, shall be paid by the union or merged school district.

The board of school directors of any union or merged school district may employ a certified public accountant to audit the finances of such school district for such fiscal year instead of the auditors, hereinabove referred to, and such certified public accountant shall have all the powers and duties of said auditors and shall receive the compensation fixed by the board of directors of the union or merged school district and shall be paid by the said district. ((7) amended Jul. 31, 1963, P.L.389, No.206)

(8) In county vocational school districts, by the county auditors or county controller.

(9) The financial accounts of each annual county or district teachers' institute shall be audited by three auditors, two to be elected by the teachers' institute and one by the directors' association for a county institute, and by the board of school directors for the district institute.

(10) The financial accounts of the directors' association shall be audited by the county auditors or county controller.

(11) In all school districts established as a result of the provisions of the act of August 8, 1963 (P.L.564), by a certified public accountant, a firm of certified public

accountants, a competent independent public accountant or a firm of competent independent public accountants who shall be named prior to the end of the fiscal year and shall have all the powers and duties of such other auditors hereinbefore provided, except that the audit shall be made in accordance with generally accepted auditing standards. The compensation of the accountant or firm of accountants shall be fixed by the employing board of school directors and shall be paid from the funds of the school district.

The accountant or firm of accountants may be designated for a term of years and, at the discretion of the board, may be authorized to conduct a monthly audit of accounts. ((11) added Jan. 25, 1966 (1965), P.L.1565, No.546)

(2401 amended Jun. 18, 1959, P.L.472, No.100)

Section 2401.1. Controllers and Auditors Not to be Otherwise Employed by School Districts or Joint School Boards.--No elected county, city, borough, town or township controller or auditor, and no controller or auditor appointed to fill a vacancy in the office of county, city, borough, town or township controller or auditor for the unexpired term of the previous controller or auditor, shall be employed in any other capacity by a school district or joint school board if he audits any finances or any funds belonging to or controlled by the school district or joint school board.

(2401.1 added Jul. 25, 1963, P.L.307, No.162)

Section 2402. Statements of Accounts, etc.--In order that the aforesaid accounts may be thoroughly and properly audited, it shall be the duty of all boards of school directors and their proper officers, school depositories, district superintendents, treasurers of directors' associations, treasurers of teachers' retirement funds, and other proper persons, to furnish to such auditors, whenever required by them for auditing purposes, statements and accounts of all finances of the district, of teachers' institutes or directors' associations, and other funds belonging to or controlled by the district, including assets and liabilities, together with access to all books, records, tax duplicates, vouchers, school orders, payrolls, letters and other matters pertaining to the same.

(2402 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2403. Subpoenas; Administering Oaths; Perjury.--The several auditors herein provided shall have power, and are hereby authorized, to issue subpoenas to compel the attendance of school officers or other persons whom they may deem necessary to examine as witnesses, and to compel the production of all books, records, vouchers, letters, and papers relating to any accounts being audited by them.

The auditors shall have power to administer oaths or affirmations to all persons appearing before them as witnesses, and any person guilty of testifying falsely in any such examination shall be guilty of perjury, and be liable for and subject to all the penalties provided therefor.

Section 2404. Disobedience to Subpoena; Contempt.--In case of disobedience to a subpoena to appear and testify, or to produce any papers, books, records, vouchers, letters, or other written or printed matter, as required by the provisions of this act, the Superintendent of Public Instruction, school controller, or auditors, as the case may be, may invoke the aid of the court of common pleas of the county, within whose jurisdiction such hearing is held, or accounts are being

audited, to compel compliance with the same. Any such court, in case of contumacy or refusal to obey a subpoena, may issue its orders to such person so refusing to appear and testify, or to produce books, papers, vouchers, or other written or printed matter. Any failure to obey such order of court may be punished by the court as contempt thereof.

Section 2405. Witness Fees.--Every witness attending before any auditors in any school district shall receive, out of the funds of the district, to be paid by a proper order drawn on the school treasurer, the same witness fees and mileage as a witness is allowed in the court of common pleas of the county in which such district is located.

Section 2406. Audits; Surcharges; Examination of Official Bonds.--The auditors herein provided to audit the finances of school districts of the second, third and fourth class, shall carefully inspect every school order issued for the payment of money by the board of school directors, and the accounts of each official or person whose accounts are to be audited in the district for which they are acting as auditors during the period of time covered by their audit. Any school order issued in any other manner or for any other purpose than herein authorized shall, if paid, be disallowed by the auditors, and charged against the person or persons voting for or approving the same. All such orders disallowed shall be set forth in the report to be made by the several auditors as herein provided, together with such other sum or sums as should be properly charged against any person or persons. Such auditors shall also examine, and report to the proper boards of school directors upon, the sufficiency and the security of the bonds of the officers, employes, and appointees of the boards of school directors and of the school depositories.

Section 2407. Notice of Surcharges.--In all school districts of the second, third, and fourth class, when any sum is charged against any person, such person shall be notified by the auditors, at or before the time of filing their report, by mail or otherwise, of such fact, setting forth the amount charged against him.

Section 2408. Copies of Reports.--In all school districts the auditors' report of the finances of the district for the preceding year, as made by the auditors herein provided, shall be filed with the board of school directors, entered on the minutes of the board by the secretary thereof and forwarded to the Superintendent of Public Instruction. A copy of such report shall be filed with the intermediate unit board of directors.

(2408 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2409. Employment of Attorneys.--In all school districts where the accounts are audited by borough or township auditors, the auditors may employ an attorney whenever the same is deemed advisable. The compensation of such attorney shall be fixed by the auditors, and shall not exceed the sum payable to one auditor for the making of the annual audit, unless additional compensation shall be specially allowed by a court of record in connection with any proceeding before such court, and shall be payable by the school district out of the general fund of the district.

Section 2410. Investigation of Financial Records by Superintendent of Public Instruction.--The Superintendent of Public Instruction may investigate the financial records of any school district in person or by his authorized representative.

For the purpose of such investigation, the same duties are imposed upon all boards of school directors, their members, their officers, agents and employes as are imposed by this act with respect to the audit of the accounts of school districts and the officers thereof, and the same powers are conferred upon the Superintendent of Public Instruction or his authorized representative as are conferred by this act upon school auditors in auditing the finances of school districts.

(b) School Districts of the First Class.

Section 2421. Duties of Controller.--The school controller, herein provided in each school district of the first class, shall properly audit the finances of the school district, including the accounts of the receiver of school taxes, school treasurer, or other proper authority collecting school taxes, school depositories, and all other funds under the control of the board of public education.

The school controller shall, at the end of each school year, certify to the board of public education that he has audited the several accounts above stated, and shall report to it the result of such audit.

(c) School Districts of the Second and Third Classes.

Section 2431. Time of Audit; Filing of Copies.--In every school district of the second and third classes, the proper auditors herein provided to audit the finances of the school district shall begin their duties on the first day of July each year, and promptly within thirty days audit the accounts of the school district for which they were appointed, including the accounts of the treasurer, the school depositories, and other school funds, for the preceding fiscal year, in the manner herein provided. On the completion of the audit they shall make correct copies thereof, which shall contain an itemized statement of all receipts, expenditures, and credits, whatsoever, of school officials, and the assets and liabilities of the district. One copy shall be filed with the board of school directors of the district, one copy in the court of common pleas of the county in which the district is located, and one copy with the intermediate unit board of directors, one copy in the Department of Public Instruction, by mailing the same sealed, stamped, and addressed to the Superintendent of Public Instruction, Harrisburg, Pennsylvania, by registered mail with return registry receipt requested.

(2431 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2432. Notice of Audit.--The auditors shall, within ten days after completing their report of audit, advertise a concise financial statement of the district, in one newspaper of general circulation published or generally circulated in such district, once a week for three successive weeks. Such notice shall call attention to the fact that the report was filed on a date therein stated, and give notice that the same will be confirmed absolutely unless an appeal is taken therefrom within thirty days after the filing thereof. Such financial statement shall set forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the year by major classifications, all expenditures made during the fiscal year by major functions, and the current resources and liabilities of the district at the end of the fiscal year; the gross liability and the net debt of the district, the amount of the assessed valuation of the district, the assets of the district with the character and value thereof, the date of the last maturity of

the respective forms of funded debt, and the assets in each sinking fund. Such publication shall be deemed compliance with the provisions of the Municipal Borrowing Law which requires the corporate authorities of the district to publish an annual statement of indebtedness. Any auditor neglecting or refusing to comply with this section shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than one hundred dollars ($100), and, in default of the payment of such fine and costs, shall be sentenced to imprisonment for not more than ten days.

(2432 amended May 2, 1949, P.L.805, No.205)

Section 2433. Compensation of Auditors.--(a) In school districts of the second class, the compensation for auditors shall, together with suitable allowances for qualified assistants and for other necessary expenses, be fixed by the board of school directors of the district on application from time to time made by the auditors, with itemized statements of services, assistants, and other necessary expenses.

(b) In school districts of the third class, the compensation for auditors shall be ten dollars ($10) per day for each day necessarily spent by each auditor, except in the case of a certified public accountant employed to act as auditor, in which event the compensation shall be fixed by the board of directors of the district. ((b) amended Aug. 9, 1955, P.L.310, No.121)

(c) In school districts of the second and third class, the compensation of any certified public accountant employed to act as auditor shall be fixed by the directors of such district and paid by the district.

(d) In school districts of the second and third class, where the accounts are audited by the controller of the municipality in which the whole or the greater or greatest portion of the area of each such district shall be located, the compensation of the controller shall be fixed by the directors of such district and paid by said district.

(e) The total expense of auditing, including the cost of filing the report, advertising, and other necessary costs, shall be paid by the school district.

(d) School Districts of the Fourth Class.

Section 2441. Time of Audit; Filing Copies; Publication.--In every school district of the fourth class, the auditors shall meet annually with the board of school directors, on the first day of July, at the time of organization, or within five days thereafter, and within thirty days carefully audit and adjust the financial accounts of the school district for the preceding school year: Provided, That the meeting of the auditors with the board of school directors shall not be held on the Fourth of July. At the completion of the audit, they shall make a careful statement, in duplicate, of the finances of the district for the preceding year, setting forth the assets and liabilities, and an itemized statement of all receipts, expenditures, and credits, whatsoever, of all school officials, and including therein any sums that have been charged against any person or persons. One copy of such annual statement shall be filed by the auditors with the secretary of the board of school directors and one in the court of common pleas of the county in which such district or the greater or greatest part thereof in area shall be located. A summary thereof, including the assets and liabilities of the school district, shall be published in a newspaper having general circulation in the district, once a week for three

successive weeks, beginning the first week after filing the same, or be promptly posted, by not less than six copies, in as many places in the district. The auditors shall also file one copy of their report with the Superintendent of Public Instruction.

(2441 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2442. Notice of Audit; Districts not Electing Auditors.--In school districts of the fourth class that do not elect auditors, the prothonotary of the court in which the auditors' report is filed shall advertise a concise summary or statement thereof, including the assets and liabilities of the district, in one newspaper published or generally circulated in such district, once a week for three successive weeks, beginning within a week after the filing of such report. Such notice shall call attention to the fact that the report was filed on a date therein stated, and give notice that the same will be confirmed absolutely unless an appeal is taken therefrom within thirty days after the filing thereof.

Section 2443. Compensation of Auditors.--The auditors herein required to audit the accounts of a school district of the fourth class shall be allowed for their services ten dollars ($10) per day for each day necessarily spent by each of them in the performance of his duty, which, together with the cost of advertising their report, shall be paid by the school district. The compensation of any certified public accountant employed by a school district of the fourth class to audit the finances of the school district shall be fixed by the directors of the district, and paid by the district.

(2443 amended Aug. 9, 1955, P.L.310, No.121 and Sep. 27, 1955, P.L.653, No.176)

(e) Appeals from Audits; Districts Second, Third and Fourth Class.

Section 2451. Who May Appeal; Conditions.--The Commonwealth, the school district of the second, third or fourth class, or any taxpayer thereof on behalf of said Commonwealth, district, or any person or persons against whom any sum has been charged in any report filed by the auditors of such school district, may appeal from any auditors' report. Such appeal shall be taken to the court of common pleas of the proper county by the Commonwealth within ninety (90) days after said report is filed in the Department of Public Instruction, and by all other appellants within forty-five (45) days after said report is filed in the court of common pleas. Any taxpayer taking or intervening in an appeal shall file in said court of common pleas a bond, with one or more sufficient sureties, conditioned that the party appealing will prosecute said appeal with effect and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal or by reason of such intervention subsequently thereto. When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom, such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect, and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than the report appealed from.

Section 2452. Accounts Investigated De Novo; Burden of Proof; Single Proceeding.--In any proceeding in the court of common pleas upon an appeal from a report of auditors of any

school district of the second, third or fourth class, the accounts of the officer or officers in question may be investigated de novo, but the figures and facts found and stated by the auditors in their report of audit shall be taken as prima facie correct as against any such officer, and the burden shall be upon each officer whose accounts are in question of establishing the credits to which he shall be entitled.

When more than one appeal from a report of auditors has been taken, whether by the Commonwealth, the school district, an officer or officers thereof, or by a taxpayer, or any or all of them, the court of common pleas shall, upon petition of any party interested, direct the several appeals to be disposed of in a single proceeding.

Section 2453. Procedure; Jury Trials; Appeals to Appellate Courts.--When any appeal is taken, the appeal may be placed upon the argument list by direction of any party interested by intervention or otherwise. Depositions of witnesses, and other evidence to be used at the argument, may be taken on behalf of any party, before any person competent to administer an oath, upon rule for that purpose, served upon the opposite party or such party's counsel. After hearing argument the court shall file its finding of fact and conclusions of law, and enter judgment in accordance therewith. If, after argument, the court shall deem any question or questions of fact so doubtful, under the evidence submitted, as to render it desirable that an issue be directed as to such question or questions to be tried by a jury, the court may direct such an issue.

(2453 repealed in part Dec. 21, 1973, P.L.433, No.152)

Section 2454. Judgment; Enforcement; Rights of Taxpayers.--If any sum shall be found by the court to be chargeable to any person whose accounts are involved in any appeal, the prothonotary shall enter judgment for said sum in favor of the district, and against the person charged. The Commonwealth, school district, or appealing or intervening taxpayer, may cause said judgment to be collected from the person charged or his sureties, for the benefit of said district, by any appropriate method, executionary or otherwise. Any such taxpayer may defend the district, in any appeal taken by any person charged by the report of auditors, as fully and effectively in both instances as the officers of the district might do. When any taxpayer has intervened, or when an appeal has been taken by any taxpayer, the officers of the school district shall not make settlement with any person or persons charged with any sum or sums, or whose accounts shall be involved in any appeal, without the consent of such taxpayer.

Section 2455. Surcharges; Judgments; Enforcement.--If in any report filed by the auditors of any school district of the second, third or fourth class, there has been any sum charged against any person or persons, the amount charged against such person or persons shall, in the absence of an appeal by such person or persons within the time prescribed by this act, become a judgment, and shall be entered by the prothonotary in favor of the school district against the person or persons charged therewith. Such judgment shall be collected from such person or persons or his or their sureties by the school district, for its use and benefit. Any taxpayer of such district may, on its behalf, proceed to enforce collection of such judgment for the school district, by any appropriate proceeding, executionary or otherwise, upon filing bond, with sufficient surety or sureties,

conditioned to indemnify and save harmless the school district from any costs accruing by reason of such proceeding.

(f) Accounts of Teachers' Institutes and School Directors' Associations.

Section 2461. Teachers' Institutes.--(2461 repealed Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2462. School Directors' Association.--The account of the treasurer of a school director association within an intermediate unit shall be properly audited annually by a certified public accountant, and filed with the association.

(2462 amended Jan. 14, 1970 (1969), P.L.468, No.192)

ARTICLE XXV.
REIMBURSEMENTS BY COMMONWEALTH AND BETWEEN SCHOOL DISTRICTS.

(a) Definitions.

Section 2501. Definitions.--For the purposes of this article the following terms shall have the following meanings:

(1) "District Pupils" of a school district shall designate all pupils enrolled in the public schools of the Commonwealth, and of adjacent states, who are residents of a given school district, except those pupils who are enrolled in the public schools maintained by the vocational school district, the territorial limits of which include the school district. "District Pupils" of a vocational school district shall designate all pupils enrolled in the public schools, maintained by the vocational school district who are residents of the district.

(2) "Teaching Units" consist of twenty-two (22) high school pupils or thirty (30) elementary school pupils. Fractions thereof shall be fractional teaching units. If a district's pupil-teacher ratio exceeds thirty-three (33), its district teaching unit shall be obtained by multiplying the total number of all teaching units, as defined above, by thirty-three (33), and dividing the product so obtained by the pupil-teacher ratio of the district. High school pupils are those pupils in a secondary school program classified as such by the Department of Public Instruction, but in no case shall include any pupils below grade seven (7). ((2) amended Jul. 17, 1959, P.L.538, No.157)

(3) "Average Daily Membership" shall be computed in accordance with rules of procedure as established by the Superintendent of Public Instruction. ((3) amended Feb. 1, 1966 (1965), P.L.1642, No.580)

(4) "Minimum Subsidy". ((4) repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

(5) "Maximum Subsidy". ((5) repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

(6) "Standard Reimbursement Fraction." ((6) repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

(7) "Subsidiary Account Reimbursement Fraction." ((7) repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

(8) "Capital Account Reimbursement Fraction." ((8) deleted by amendment Jun. 12, 1968, P.L.192, No.96)

(9) "Real Property Valuation." A school district's or vocational school district's real property valuation, to be used for purposes of computing the basic account standard reimbursement fraction, the subsidiary account reimbursement fraction, and the aid ratio shall be the valuation placed upon

its taxable real property by the State Tax Equalization Board. ((9) amended Aug. 24, 1977, P.L. , No.59)

(9.1) "Personal Income Valuation." A school district's personal income valuation for purposes of reimbursement to a school district under subsections (d), (e), and (f) of section 2502, and section 2592 shall be the valuation of the total taxable income determined under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," for each school district each year by the Secretary of Revenue and certified to the Secretary of Education. ((9.1) added Aug. 24, 1977, P.L. , No.59)

(9.2) "Equalized Millage." A school district's tax effort to be used for purposes of determining the base earned for reimbursement and used for reimbursement under subsections (d) and (e) of section 2502, shall be the amount of local school taxes collected during the year for which reimbursement is being computed, divided by the most recent real property valuation of the school district. ((9.2) added Aug. 24, 1977, P.L. , No.59)

(9.3) "Median Equalized Millage." For the school year 1976-1977 and each year thereafter, the Secretary of Education shall annually calculate the equalized millage for which an equal number of districts are above and below for that year. ((9.3) added Aug. 24, 1977, P.L. , No.59)

(10) "Number of District Teaching Units for Purposes of Determination of Basic Account Standard Reimbursement Fraction, and Subsidiary Account Reimbursement Fraction." A school district's or vocational school district's number of district teaching units for purposes of determination of the basic account standard reimbursement fraction and the subsidiary account reimbursement fraction shall be obtained as follows: (i) divide by twenty-two (22) the number of district pupils in average daily membership in a public high school and in high school grades of a laboratory school of a State-owned college during the preceding school term, (ii) divide by thirty (30) the number of district pupils in average daily membership in a public elementary school and laboratory school of a State-owned college during the preceding school term, and (iii) add the quotients obtained under (i) and (ii) above, except when the pupil-teacher ratio exceeds thirty-three (33), in which case, the sum obtained under (i) and (ii) above shall be multiplied by thirty-three (33) and the product so obtained shall be divided by the pupil-teacher ratio of the district. No school district or vocational school district shall be credited with less than one teaching unit. No school district or vocational school district shall be assigned a basic account standard reimbursement fraction lower in value than the minimum instruction subsidy divided by the maximum instruction subsidy. All one-room schools operated in accordance with the provisions of this act shall, if their operation is approved, be credited with at least one teaching unit. The State Board of Education shall withold its approval of any one-room one-teacher school, unless (i) topography, distance or condition of roads are such as to make transportation of pupils impractical, or (ii) it is impossible to accommodate pupils in existing graded schools in the district or other districts, or (iii) the district is financially unable to construct a consolidated school. ((10) amended Jun. 12, 1968, P.L.192, No.96)

(10.1) "Weighted Pupil" shall mean a value placed upon district pupils in average daily membership at various levels of

instruction. Such values shall be as follows:

Kindergarten	0.50, if attending one session per day:
	1.00, if attending two sessions per day.
Elementary	1.00
Secondary	1.36

((10.1) added Feb. 1, 1966 (1965), P.L.1642, No.580)

(10.2) "Weighted Average Daily Membership" (WADM). The average daily membership for all resident pupils in the various levels of instruction shall be multiplied by the weight for that level as indicated to obtain the weighted average daily membership. The sum of the products so obtained shall be the weighted average daily membership for the district. The weighted average daily membership used in computing the aid ratio shall include kindergarten, elementary and secondary pupils. ((10.2) added Feb. 1, 1966 (1965), P.L.1642, No.580)

(11) "Actual Instruction Expense Per Elementary Teaching Unit, Actual Instruction Expense Per Elementary Teaching Unit in a Laboratory School of a State-owned College, Actual Instruction Expense Per Secondary Teaching Unit, Actual Instruction Expense Per Secondary Teaching Unit in a Laboratory School of a State-owned College, Actual Instruction Expense Per Joint Elementary Teaching Unit, Actual Instruction Expense Per Joint Secondary Teaching Unit, Actual Instruction Expense Per Area Technical School Teaching Unit." In 1958 in the month of September and thereafter annually in the month of September, the Department of Public Instruction shall calculate for each school district for the immediately preceding school year the actual instruction expense per elementary teaching unit for elementary pupils educated in the district's public schools, the actual instruction expense per secondary teaching unit for secondary pupils educated in the district's public schools, the actual instruction expense per joint elementary teaching unit for elementary pupils educated in elementary schools of jointures of which the district is a member, the actual instruction expense per joint secondary teaching unit for secondary pupils educated in secondary schools of jointures of which the district is a member, the actual instruction expense per area technical school teaching unit for pupils educated in area technical schools in which the district participates, the actual instruction expense per elementary teaching unit for elementary pupils residing in the district and educated in the public schools of other districts within the Commonwealth, and the actual instruction expense per secondary teaching unit for secondary pupils residing in the district and educated in the public schools of other districts within the Commonwealth. In each case, actual instruction expense per teaching unit shall be the sum of (i) and (ii) below but in no case shall include expenses for debt service, capital outlay, rentals of capital facilities and equipment, salaries and expenses for school nurses, for medical and dental services, for driver education courses, for reimbursable transportation of pupils, for tuition paid to other school districts, for reimbursable board and lodging in lieu of transportation, for salaries of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for physically and mentally handicapped children, clerks and assistants employed in programs for special education, for

school district contributions to the retirement fund on behalf of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for physically and mentally handicapped children, clerks and assistants employed in programs for special education, for the cost of textbooks and supplies of the second class used in special education classes or schools, for extension schools and classes, for extension recreation activities, for vocational extension education, or for instruction of homebound children. (i) Expenses of general control per teaching unit. Expenses of general control shall include: salaries, supplies and other expenses of the secretary's office; commission or salary of treasurer, tax collector, auditors and legal service; expenses of census enumeration and other expenses of business administration; salaries of the superintendent of schools and clerks of the superintendent of schools; expenses of supplies and other expenses of the superintendent of schools' office; and other expenses of general control. In the case of computation of actual instruction expense per elementary teaching unit for district pupils educated in the schools of the district and for district pupils educated in the public schools of other districts within the Commonwealth and actual instruction expense per secondary teaching unit for district pupils educated in the schools of the district and for district pupils educated in the public schools of other districts within the Commonwealth, expenses of general control per teaching unit shall be calculated by dividing the foregoing listed expenses of general control of the school district by the number of teaching units based on the number of all pupils who are residents of the school district and are in average daily membership in the public schools of the Commonwealth. In the case of computation of actual instruction expense per joint elementary teaching unit and actual instruction expense per joint secondary teaching unit, expenses of general control per teaching unit shall be calculated by dividing the foregoing listed expenses of general control of the school district by the number of teaching units based on the number of all pupils who are residents of the school district and are in average daily membership in the public schools of the Commonwealth, and adding thereto the quotient obtained by dividing the foregoing listed expenses of general control of the joint school district by the number of joint teaching units based on the number of pupils who are residents of school districts that are members of the joint school district and are in average daily membership in the schools of the joint school district. In the case of computation of actual instruction expense per area technical school teaching unit, expenses of general control per teaching unit shall be computed by dividing the foregoing listed expenses of general control of the school district by the number of teaching units based on the total number of all pupils who are residents of the school district and are in average daily membership in the public schools of the Commonwealth, and adding thereto the quotient obtained by dividing the foregoing listed expenses of general control of the area technical school by the number of area technical school teaching units based on the number of pupils who are residents of districts participating in the area technical school and are in average daily membership in the area technical school. (ii) Expenses of the school district, joint

school district, area technical school, or such other school district within the Commonwealth in which the districts' pupils are educated, as the case may be, on account of instruction, auxiliary agencies and coordinate activities, operation of school plant, maintenance of school plant, and fixed charges, and each separately for elementary and for secondary schools, per teaching unit, calculated by dividing the sums of (a), (b), (c), (d), and (e) below by the numbers of elementary, secondary, joint elementary, joint secondary, and area technical school teaching units, respectively, based on the number of all pupils on an equivalent full-time basis in average daily membership in the public schools of the district, or joint district, or the area technical school, or other school district within the Commonwealth in which pupils of the district are educated, as the case may be; (a) expenses of instruction, to include salaries of supervisors and other expenses of supervisors, salaries of principals and principals' clerks, supplies of the principals' offices, other expenses of supervision, teachers' and teacher-librarians, salaries, textbooks, library books, supplies used in instruction including library supplies, expenses of attending teachers' institutes, commencement exercise and exhibit expenses, and other expenses of instruction, (b) expenses of auxiliary agencies and coordinate activities, to include salaries, books, repairs, replacements, and other expenses of public libraries, and non-reimbursable transportation and board and lodging in lieu of transportation, and provisions for tubercular and undernourished children, community lectures, social centers and recreation, enforcement of attendance, and other expenses of auxiliary agencies and coordinate activities, (c) expenses of operation of school plant, to include wages of janitors and other employes, fuel, water, light, power, janitors' supplies, care of grounds, services other than personal, telephone rental, and other expenses of operation, (d) expenses of maintenance of school plant, to include upkeep of grounds, repair of buildings, repairs and replacements, heating, plumbing, lighting, apparatus used in instruction, furniture, and other equipment, (e) expenses of fixed charges, to include payments made to the retirement board, rent, all insurance, and other fixed charges: Provided, That the actual instruction expense for elementary teaching unit for district pupils educated in the elementary grades of a laboratory school of a State-owned college and the actual instruction expenses for secondary teaching unit for district pupils educated in the high school grades of a laboratory school of a State-owned college shall be computed by (i) dividing the total amount of money paid to the State-owned college by the resident district for the education of all resident elementary children enrolled in a laboratory school of a State-owned college by the number of such elementary teaching units based on the total number of such resident children in average daily membership in the laboratory school, (ii) dividing the total amount of money paid to the State-owned college by the resident district for the education of all resident secondary children enrolled in a laboratory school of a State-owned college by the number of such secondary teaching units based on the total number of such resident children in average daily membership in the laboratory school. The teaching units are computed on the basis of thirty (30) equivalent full time elementary children and twenty-two (22) equivalent full time

secondary children. ((11) amended Sep. 12, 1961, P.L.1277, No.560)

(11.1) "Actual Instruction Expense per Weighted Average Daily Membership." For the school year 1966-1967, and each school year thereafter, the Superintendent of Public Instruction shall calculate for each school district the actual instruction expense per weighted average daily membership for each district pupil. The actual instruction expense shall include all General Fund expenses of the district except those for health services, transportation, debt service, capital outlay, home-bound instruction, and outgoing transfers to community colleges and technical institutes. From this cost shall be deducted the amount received from the State for driver's education; special class operation; vocational curriculums; area vocational technical schools; payments of tuition by district patrons, parents, the State and Federal government; and all moneys received from the State or Federal government under Public Laws 89-10 (Elementary and Secondary Education Act), 88-452 (Economic Opportunity Act), and 87-415 (Manpower Training and Development Act) and for projects under section 2508.3 of this act. The actual instruction expense so determined, when divided by the weighted average daily membership for the district shall be the actual instruction expense per weighted average daily membership. ((11.1) added Feb. 1, 1966 (1965), P.L.1642, No.580)

(12) "State's Share of Total Cost." For the school year 1966-1967 and each school year thereafter, the State's share of total reimbursable cost shall be fifty percent (50%). Total reimbursable cost shall be the lesser of actual expense per WADM as defined in clause (11.1) or a maximum amount to be fixed by the General Assembly each year to represent the estimated median actual instruction expense per WADM in the year for which the reimbursement is to be payable. For the school year commencing the first day of July 1976 and each school year thereafter the maximum amount shall be the median actual instruction expense per WADM in the year for which the reimbursement is to be payable. The Secretary of Education annually shall calculate the State "median actual instruction expense per weighted average daily membership" and shall supply the same to the General Assembly. ((12) amended Aug. 24, 1977, P.L. , No.59)

(12.1) "Median Actual Instruction Expense Per Weighted Average Daily Membership." For the school year 1976-1977 and each school year thereafter, the Secretary of Education shall annually calculate the actual instruction expense per weighted average daily membership for which an equal number of districts are above and below for that year. ((12.1) added Aug. 24, 1977, P.L. , No.59)

(13) "District's Share of Total Cost." The district's share of total cost shall be the State's share subtracted from 1.00. ((13) added Feb. 1, 1966 (1965), P.L.1642, No.580)

(14) "Aid Ratio" shall represent the Commonwealth's share of reimbursable cost as defined in clause (12). The aid ratio shall be determined in the following manner: (a) divide the market value per weighted average daily membership of the district by the market value per weighted average daily membership of the State; (b) determine the product of (a) multiplied by district's share of total cost; (c) subtract the resultant product in (b) from one (1.0000) to determine the aid ratio.

$$\text{Aid Ratio} = 1.0000 - \frac{\text{District MV/WADM}}{} \times 0.50$$

((14) added Feb. 1, 1966 (1965), P.L.1642, No.580)

(14.1) "Market Value/Income Aid Ratio." For purposes of reimbursement to a school district under subsections (d), (e), and (f) of section 2502, and section 2592, shall be the Commonwealth's method of determining the combined market value and income wealth for each pupil, and shall be computed as follows:

(a) (i) Divide the market value per weighted average daily membership of the district by the market value per weighted average daily membership of the State;

(ii) Determine the product of (a)(i) multiplied by the district's share of total costs which is .5;

(iii) Subtract the resultant product in (a)(ii) from 1.000 to determine the market value portion of the aid ratio.

(b) (i) Divide the income per weighted average daily membership of the district by the average personal income per weighted average daily membership of the State;

(ii) Determine the product of (b)(i) multiplied by the district's share of total costs which is .5;

(iii) Subtract the resultant product in (b)(ii) from 1.0000 to determine the income aid ratio.

(c) Add sixty percent (60%) of the market value aid ratio to forty percent (40%) of the income aid ratio to determine the market value/income aid ratio. ((14.1) added Aug. 24, 1977, P.L. , No.59)

(15) "Minimum Subsidy." For the school year 1976-1977 and each school year thereafter, in no case shall a district receive for each pupil in weighted average daily membership, an amount less than ten percent (10%) of the actual cost of instruction or ten percent (10%) of the base earned for reimbursement whichever is the lesser amount. For 1976-1977 and each school year thereafter, a district whose actual instruction expense per weighted average daily membership is more than two hundred dollars ($200) less than the median actual instruction expense per weighted average daily membership, and whose equalized millage is within fifteen percent (15%) of the median equalized millage, the reimbursement shall be two hundred dollars ($200) below the median actual instruction expense per weighted average daily membership times the district's aid ratio for each weighted average daily membership. ((15) amended Aug. 24, 1977, P.L. , No.59)

(16) "Density Factor" shall be assigned for those school districts whether coterminous with a city, borough, town or township or not, whose population exceeds ten thousand (10,000) per square mile as determined by the Superintendent of Public Instruction from the most recent records of the United States Census Bureau: Provided, That any school district which was assigned a density factor for any school year prior to 1969-1970, and for any school year thereafter is determined by the superintendent to have a population of ten thousand (10,000) per square mile or less shall qualify for a modified density payment which shall be in the ratio of its population per square mile to ten thousand (10,000) of the amount to which it would have been entitled had its population per square mile exceeded ten thousand (10,000): And, provided further, That any school district which was assigned a density factor for any school year prior to 1969-1970, and for any school year thereafter and as a result of a merger with one or more other school districts

becomes a part of a new school district and such new school district is determined by the superintendent to have a population of ten thousand (10,000) per square mile or less, such new school district shall qualify for a modified density payment which shall be in the ratio of its population per square mile to ten thousand (10,000) of the amount to which it would have been entitled had its population per square mile exceeded ten thousand (10,000). A school district qualifying under the density factor shall be paid by the Commonwealth on acccunt of excess expenditures per weighted average daily membership, not to exceed for the school year 1966-1967 one hundred dollars ($100), for the school year 1967-1968 one hundred fifty dollars ($150), for the school year 1968-1969 two hundred dollars ($200), for the school year 1969-1970 and each school year thereafter two hundred fifty dollars ($250), in excess of four hundred dollars ($400), an amount to be determined by multiplying the excess expenditures by the aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater and by the number of weighted pupils, such amcunt to be in addition to any other payments for such pupils: Provided, however, a school district qualifying under the density factor may, in lieu of the above payment, elect for any school year to be paid and the Commonwealth shall pay on account of excess expenditures per weighted average daily membership in excess of four hundred dollars ($400) a sum of thirty dollars ($30) per weighted average daily membership, such amount to be in addition to any other payments for such pupils. ((16) amended Jun. 22, 1970, P.L.404, No.132)

(17) "Sparsity Factor" shall be assigned for those districts whose population is less than fifty (50) per square mile as determined by the Secretary of Education from the most recent records of the United States Census Bureau. A school district qualifying under the sparsity factor shall be paid by the Commonwealth on account of excess expenditures per weighted average daily membership, not to exceed for the school year 1966-1967 one hundred dollars ($100), for the school year 1967-1968 one hundred fifty dollars ($150), for the school year 1968-1969 two hundred dollars ($200), for the school year 1969-1970 and each school year thereafter two hundred fifty dollars ($250) in excess of four hundred dollars ($400), an amount to be determined by multiplying the excess expenditures by the aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater and by the number of weighted pupils, such amount to be in addition to any other payment for such pupils: Provided, however, a school district qualifying under the sparsity factor may, in lieu of the above payment, elect for any school year to be paid and the Commonwealth shall pay on account of excess expenditures per weighted average daily membership in excess of four hundred dollars ($400) a sum of thirty dollars ($30) per weighted average daily membership, such amcunt to be in addition to any other payments for such pupils.

Any school district determined by the Secretary of Education to have a population of at least fifty (50) per square mile but less than one hundred (100) per square mile shall, for the school year 1976-1977 and each school year thereafter, qualify for a modified sparsity payment which shall be the ratio of its population per square mile to fifty (50) subtracted from 2.00 and multiplied by the amount to which it would have been entitled had its population per square mile been less than fifty

(50). (Par. amended Aug. 24, 1977, P.L. , No.59) ((17) amended Nov. 15, 1972, P.L.1229, No.273)

(17.1) "Base Earned for Reimbursement." Shall be the lesser of (a) the actual instruction expense per weighted average daily membership of the district, or (b) the amount earned as follows:

(i) Where the equalized millage is thirty percent (30%) or more above the median equalized millage, rounded to a whole mill, the amount shall be the median actual instruction expense per weighted average daily membership rounded to the nearest ten dollars ($10) amount.

(ii) Where the equalized millage is fifteen percent (15%) or more and less than thirty percent (30%) above the median equalized millage, rounded to a whole mill, the amount shall be fifty dollars ($50) less than the median actual instruction expense per weighted average daily membership.

(iii) Where the equalized millage is less than fifteen percent (15%) above or below the median equalized millage, rounded to a whole mill, the amount shall be one hundred dollars ($100) less than the median actual instruction expense per weighted average daily membership.

(iv) Where the equalized millage is fifteen percent (15%) to thirty percent (30%) below the median equalized millage, rounded to a whole mill, the amount shall be one hundred fifty dollars ($150) less than the median actual instruction expense per weighted average daily membership.

(v) Where the equalized millage is more than thirty percent (30%) below the median equalized millage, the amount shall be two hundred dollars ($200) less than the median actual instruction expense per weighted average daily membership. ((17.1) added Aug. 24, 1977, P.L. , No.59)

(b) Instruction.

Section 2502. Payments on Account of Instruction.--(a) Every school district and every vocational school district shall be paid by the Commonwealth on acccunt of the instruction of pupils an amount to be determined by multiplying the numbers of elementary, secondary, joint elementary, joint secondary, State-owned college laboratory school, or area technical school teaching units, each based on the number of all pupils, except kindergarten pupils, who are residents of the district and are in average daily membership in the district's public schools, joint elementary schools, joint high schools, laboratory schools of State-owned colleges, or area technical schools respectively, and in the case of kindergarten pupils based on the number of kindergarten teachers employed: Provided, That for the school year 1962-1963, and for each school year thereafter, the number of equivalent full time kindergarten teachers in a laboratory school of a State-owned college shall be prorated among all the districts having children enrolled in the laboratory school kindergarten on the basis of the total number of kindergarten pupils who are legal residents of such districts and who are in average daily membership in the labcratory school kindergarten, and for the school year 1957-1958 and for each school year thereafter, the numbers of elementary or secondary teaching units, each based on the number of all pupils who are residents of the district and who are in average daily membership in the elementary schools or secondary schools of other school districts within the Commonwealth, by the district's basic account standard reimbursement fraction; and for the school year 1955-1956 by four thousand nine hundred dollars ($4900); for the

school year 1956-1957 by five thousand three hundred dollars ($5300); for the school year 1957-1958 and for each school year thereafter by the lesser of actual instruction expense per elementary, secondary, joint elementary, joint secondary, laboratory school elementary, laboratory school secondary, area technical school, elementary educated in the public schools of other districts within the Commonwealth, secondary educated in the public schools of other districts within the Commonwealth teaching unit, each as the case may be, or five thousand eight hundred dollars ($5800); for the school year 1962-1963 by the lesser of actual instruction expense per elementary, secondary, joint elementary, joint secondary, laboratory school elementary, laboratory school secondary, area technical school, elementary educated in the public schools of other districts within the Commonwealth, secondary educated in the public schools of other districts within the Commonwealth teaching unit, each as the case may be, or six thousand five hundred dollars ($6500); and for the school year 1963-1964 and for each school year thereafter by the lesser of actual instruction expense per elementary, secondary, joint elementary, joint secondary, laboratory school elementary, laboratory school secondary, area technical school, elementary educated in the public schools of other districts within the Commonwealth, secondary educated in the public schools of other districts within the Commonwealth teaching unit, each as the case may be, or six thousand eight hundred dollars ($6800). For the school year 1953-1954 and each school year thereafter, teaching units shall be based on the number of all pupils, except kindergarten pupils, who are residents of the school district in average daily membership in the district's public schools in State-owned college laboratory schools and in elementary schools and high schools operated by joint boards of which the district of residence is a member, and in area technical schools in which the district of residence participates. In the case of kindergarten pupils, teaching units shall be one for each kindergarten teacher employed by the district: Provided, That for the school year 1957-1958 and for each school year thereafter, additional teaching units shall be based on the numbers of all pupils who are residents of the district and are in average daily membership in the elementary schools of other districts in the Commonwealth or who are in average daily membership in the secondary schools of other districts within the Commonwealth: Further provided, That in the case of such pupils teaching units shall be calculated on the basis of thirty-five (35) elementary pupils and twenty-six (26) secondary pupils per teaching unit, respectively. ((a) amended Aug. 1, 1963, P.L.461, No.246)

(b) Notwithstanding the foregoing provisions of this section, when because of sparsity of population, road or climatic conditions, or lack of other available high school facilities, the Department of Public Instruction has approved the continued operation of a small high school, the district shall receive an amount based on a number of teaching units equal to the number of teachers approved by the department as being required to provide a satisfactory educational program in such school, provided, that the number of teachers employed is not less than the number approved. ((b) amended Oct. 21, 1965, P.L.601, No.312)

(c) For no year shall any school district or vocational school district receive less than the minimum subsidy per

teaching unit, nor shall any school district of the first class A, during the school year 1953-1954 for the school year 1952-1953, or during the school year 1954-1955 for the school year 1953-1954, or during the school year 1955-1956 for the school year 1954-1955, receive less per teaching unit than the amount received by any district of the first class. ((c) amended Jul. 13, 1957, P.L.864, No.391)

(d) For the school year 1976 and 1977 and each school year thereafter, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the market value/income aid ratio times the actual instruction expense per weighted average daily membership or by the base earned for reimbursement, whichever is less, and by the weighted average daily membership for the district. For the school year 1976-1977 any school district which, as a result of the impact on payments under subsections (d), (e) and (f) and under section 2592 by reason of the market value/income aid ratio or the application of equalized millage to the base earned for reimbursement, shall suffer a reduction in subsidy entitlement, shall be held harmless from this impact and shall receive an amount which is no less than that received for 1976-1977 under such subsections and under section 2592. ((d) amended Aug. 24, 1977, P.L. No.59)

(e) For no school year shall any district receive less than an amount obtained by multiplying the minimum subsidy by the weighted average daily membership for the district. ((e) added Feb. 1, 1966 (1965), P.L.1642, No.580)

(f) For the school year commencing the first day of July within the year of the effective date of this amendment, and each school year thereafter, each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount for density or sparsity of population. Except as provided in clause (17) of section 2501 and as provided below, this amount shall be paid on account of expenditures in excess of four hundred dollars ($400) per weighted average daily membership, not to exceed for the school year 1966-1967 one hundred dollars ($100), for the school year 1967-1968 one hundred fifty dollars ($150), for the school year 1968-1969 two hundred dollars ($200), for the school year 1969-1970 and each school year thereafter two hundred fifty dollars ($250), an amount to be determined by multiplying the excess expenditures by the market value/income aid ratio or by three hundred seventy-five thousandths (.375) whichever is greater, and by the number of weighted average daily membership, such amount to be in addition to any other payment for such pupils: Provided, however, a school district entitled to additional payment for density or sparsity of population may, in lieu of the above payment, elect for any school year to be paid and the Commonwealth shall pay such additional entitlement on account of excess expenditures per weighted average daily membership in excess of four hundred dollars ($400) a sum of thirty dollars ($30) per weighted average daily membership, such amount to be in addition to any other payments for such pupils.

The payment for the density factor for those qualifying school districts with a WADM in excess of fifty thousand (50,000) shall be the actual cost of instruction per WADM multiplied by fifteen percent (15%) through the 1969-1970 school year or by nineteen percent (19%) for the 1970-1971 school year

through the 1975-1976 school year or by twenty-three percent (23%) for the 1976-1977 school year and thereafter and by the WADM of the district. ((f) amended Aug. 24, 1977, P.L. , No.59)

(g) It is hereby stated to be the objective of the Commonwealth to provide to each child educated in the schools of Pennsylvania, a minimum educational input that is within two hundred dollars ($200) of the median actual instruction expense per WADM, for the school year 1976-1977 and each school year thereafter. ((g) amended Aug. 24, 1977, P.L. , No.59)

Section 2502.1. Supplemental Payments.--(2502.1 repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

Section 2502.2. Payments on Account of Migratory Children.--Every school district regardless of classification shall be paid by the Commonwealth for the school term 1958-1959 and for every school term thereafter in addition to other reimbursement by the Commonwealth, the sum of one dollar ($1) per day not exceeding forty days during any school term for each migratory child attending any of its public schools. "Migratory child" is defined as any child domiciled temporarily in any school district for the purpose of seasonal agricultural employment but not acquiring residence therein, and any child accompanying his parents or guardian who is so domiciled.

(2502.2 added Sep. 9, 1959, P.L.863, No.341)

Section 2502.3. Payments on Account of Poverty.--For the school year 1966-1967, and each school year thereafter, each school district shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of children of low income families equal to the sum of (1) the number of children aged five (5) to seventeen (17) years, inclusive, in the district of families having an annual income of less than two thousand dollars ($2,000), and (2) the number of children aged five (5) to seventeen (17) years, inclusive, in such district of families having an annual income in excess of two thousand dollars ($2,000) which receive Commonwealth payments on account of dependent children under title iv of the Federal Social Security Act, multiplied by one hundred and twenty dollars ($120) through the 1969-1970 school year and one hundred forty dollars ($140) for the school year 1970-1971, 1971-1972 and 1972-1973 and one hundred sixty-five dollars ($165) for the school year 1973-1974 through the school year 1975-1976 and two hundred dollars ($200) for the school year 1976-1977 and each school year thereafter.

The Secretary of Education shall determine the number of children under clauses (1) and (2) of this section from the most recent satisfactory data available in the same manner as provided under the Federal Elementary and Secondary Education Act of 1965.

For the school year 1973-1974, and each school year thereafter, for the purpose of this section, in each school district, not less than the number of children shall be counted in each category as were counted therefor under this section for the school year 1972-1973.

(2502.3 amended Aug. 24, 1977, P.L. , No.59)

Compiler's Note: Section 12 of the act of Aug. 24, 1977, P.L. , No.59 which amended Section 2502.3 of this act specified that increases in subsidies as provided for in section 11 of the amending act shall not apply to school districts of the first class and of the first class A.

Section 2502.4. Additional Special Assistance Grants on

Account of Low Income Families.--In addition to any other payments made to school districts, the Commonwealth for the school year 1973-1974 and for each school year thereafter shall pay as a special assistance grant to each school district on account of children of low income families an amount equal to the sum of the number of children of low income families in the district multiplied by the grant per poverty pupil fixed for the percentage category of poverty pupils in average daily membership in the district according to the following table:

Percentage Category of Poverty Pupils in Average Daily Membership		Grant per Poverty Pupil
15	- 19.9 percent	$ 30
20	- 24.9 percent	60
25	- 29.9 percent	85
30	- 34.9 percent	135
over	- 35 percent	150

The Secretary of Education shall determine the number of children of low income families from the most recent satisfactory data available in the same manner and according to the same standards and definitions as provided in the Elementary and Secondary Education Act of 1965 (Public Law 89-10), for assistance to local educational agencies for the education of children of low income families.

For the school year 1973-1974, and each school year thereafter, for the purpose of this section, in each school district, not less than the number of children shall be counted in each category as were counted therefor under this section for the school year 1972-1973.

(2502.4 amended Jun. 26, 1974, P.L.370, No.125)

Section 2502.5. Limitation of Certain Payments.--Notwithstanding any other provision of law, for the school year 1970-1971 and each school year thereafter, no school district shall be paid under subsections (d) and (e) of section 2502 or section 2592, whichever is applicable, and subsection (f) of section 2502, and section 2502.3 and section 2502.4 of this act an amount in excess of one hundred percent (100%) of the total approved reimbursable instructional expenditures of such school district. The provisions of this section shall not apply to any school district receiving any payment under subsection (g) of section 2502 of this act.

(2502.5 amended Jun. 26, 1974, P.L.370, No.125)

Section 2503. Payments on Account of Tuition.--((a) repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

(b) ((b) deleted by amendment Dec. 27, 1951, P.L.1783, No.472)

(c) Each school district, regardless of classification, which accepts any non-resident child in its school under the provisions of section one thousand three hundred five or section one thousand three hundred six of the act to which this is an amendment, shall be paid by the Commonwealth an amount equal to the tuition charge per elementary pupil or the tuition charge per high school pupil, as the case may be, as defined in section two thousand five hundred sixty-one of the act to which this is an amendment, for each pupil so accepted. In the case of pupils attending the district's public schools for less than a full

school term, the tuition charges shall be prorated by reference to the period of time over which such pupil actually attended the district's schools. ((c) amended Feb. 17, 1956 (1955), P.L.1048, No.337)

Section 2503.1. Minimum Reimbursements to Union and Merged Districts and Jointures.--(2503.1 repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

Section 2504. Payments on Account of Vocational Curriculums.--Every school district regardless of classification, and every intermediate unit with reference to vocational departments of high schools or vocational schools, shall be paid by the Commonwealth for every school year, the sum of thirty-five dollars ($35) in vocational agriculture and vocational industrial education; twenty dollars ($20) in vocational home economics education; and fifty dollars ($50) in vocational distributive education per pupil in average daily membership in vocational curriculums, approved by the Superintendent of Public Instruction.

(2504 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2504.1. Payments on Account of Standardized Driver-Education Programs.--Every school district or joint school organization complying with the standardized driver-education program established by the department shall be paid, by the Commonwealth from the Motor License Fund, an amount to be determined by multiplying the number of pupils who have completed the high school standardized driver-education program conducted by any given school district or joint school organization by a basic figure of thirty-five ($35) dollars per student.

(2504.1 amended Jan. 24, 1966 (1965), P.L.1506, No.528)

Section 2504.2. Payments on Account of Pupils Enrolled in Area Vocational-Technical Schools.--The Commonwealth shall pay every school district for every school term on account of resident pupils enrolled in area vocational-technical schools as follows:

(1) For each full-time pupil in attendance, either the difference between the per pupil cost as provided in the approved budget or the per pupil cost for current expenses, whichever is less, for current expenses in such area vocational-technical school and the per pupil cost for current expenses in the district's high school or in the high school which the pupil attends as a tuition pupil or seventy-five dollars ($75), whichever is less.

(2) For each part-time pupil attending an area vocational technical school, the difference between the cost per pupil as provided in the approved budget or the per pupil cost for current expenses, whichever is less, for current expenses in the area vocational-technical school and an amount to be determined by multiplying the cost per pupil for current expenses in the district's high school or in the high school which the pupil attends as a tuition pupil by a fraction the numerator of which shall be the number of hours per day the pupil attends an area vocational-technical school and the denominator shall be six or seventy-five dollars ($75), whichever is less.

"Current expenses" shall include all expenditures classified administration through community services according to the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems published by the Department of Public Instruction.

(2504.2 added Aug. 14, 1963, P.L.1065, No.463)

Section 2504.3. Payments on Account of Students Enrolled in Technical Institutes.--The Commonwealth shall pay every school district having out-of-school youth or adults enrolled in a technical institute for each pupil in average daily membership one-third of the total current expenses per pupil as provided in the approved budget, or the per pupil cost for current expenses, whichever is less. The remainder of the cost of total current expenses may be borne by the district of residence or by the district of residence and the pupil, but in no event shall the pupil bear more than one-third of the total current expenses per pupil.

(2504.3 added Aug. 14, 1963, P.L.1065, No.463)

Section 2505. Payments on Account of School Nurses.--(2505 repealed Sep. 29, 1961, P.L.1743, No.707)

Section 2505.1. State Reimbursement for Health Services.--(a) Every school district and joint school board which renders health services to children of school age shall be reimbursed by the Commonwealth on account of health services which conform to standards approved by the Secretary of Health. Reimbursements shall be paid by the Secretary of Health. The amount thereof shall be the actual cost of the medical and dental services and school nurse services as certified to the Secretary of Health, less any charges deemed unreasonable by him, but for medical services shall not for any school year exceed the sum of (1) eighty cents ($.80) multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of eighty cents ($.80) for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, for dental services shall not for any school year exceed the sum of (1) forty cents ($.40) multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of forty cents ($.40) for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, and for school nurse services shall not for any school year exceed the sum of (1) three dollars and fifty cents ($3.50) multiplied by the number of children enrolled in a school for the entire school term of that school year, and (2) a proportionate part of three dollars and fifty cents ($3.50) for each child enrolled for a part of the school term of that school year.

(a.1) Every school district or joint school board which employs one or more dental hygienists for the purpose of dental hygiene services to children of school age shall be reimbursed by the Commonwealth on account of such services which conform to standards approved by the Secretary of Health. Reimbursement shall be made by the Secretary of Health. The amount thereof shall be the actual cost of the dental hygiene services as certified to the Secretary of Health, less any charges that shall be deemed unreasonable by him, but for any school year shall not exceed the sum of one dollar ($1) multiplied by the

actual number of children enrolled in the school for the entire school term who receive such dental hygiene services, and a proportionate part of one dollar ($1) for each child enrolled for a part of the school term of that school year and who actually receives dental hygiene services. Reimbursement under this subsection shall be in lieu of any reimbursement provided in subsection (a) of this section for dental services. ((a.1) added Aug. 27, 1963, P.L.1380, No.535)

(b) No reimbursement shall be made under this section for services for which the Commonwealth reimburses, in whole or in part, under any other section of the act to which this is an amendment. Reimbursement on account of the employment of school nurses shall be made under the provisions of this section. Reimbursement on account of health services rendered by a school district or joint school board may be withheld by the Secretary of Health unless the actual expenditures for the health services are certified to the Secretary of Health within three months after the end of the school year during which the payment for the service was made by the school district or joint school board.

(c) Nothing herein contained shall be construed to prohibit any school district or joint school board from expending for health services amounts in excess of the reimbursable amounts.

(2505.1 amended Sep. 29, 1961, P.L.1743, No.707)

Section 2506. Payments on Account of Approved Travel.--Every school district shall be paid by the Commonwealth for every school year, on account of approved traveling expenses in the discharge of teaching and supervisory responsibilities of teachers, coordinators, supervisors and directors in vocational education, eighty per centum (80%) of the sum expended by the school district for such approved travel.

(2506 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2507. Payments on Accounts of Approved Vocational Extension Classes and Pre-employment Training.--Every school district and every vocational school district, regardless of classification, shall be paid by the Commonwealth for every school year, on account of approved vocational extension classes and pre-employment training, eighty per cent (80%) of the sum which was expended by the district for the compensation of vocational extension and pre-employment training teachers and supervisors. For the purpose of computing reimbursement, the maximum compensation shall be four dollars ($4.00) per hour and the amount expended for supervisory salaries shall not exceed twenty per cent (20%) of the sum expended for teachers' salaries: Provided, That in special cases when travel time or unusual preparation of instructional materials or other factors result in an inadequate compensation, the Department of Public Instruction may approve additional reimbursable employment time for such additional services upon the submission of adequate substantiative evidence from the responsible superintendent of schools.

(2507 amended Aug. 14, 1963, P.L.1121, No.477)

Section 2508. Distribution of Unencumbered Funds for Vocational Education.--The State Board for Vocational Education shall administer the allocation of Federal and State vocational education funds which are otherwise unencumbered. Allocations shall be made for the furtherance of the provisions of the State and Federal vocational education acts with emphasis on the improvement of facilities, reimbursement of teachers' salaries,

research and projects which will contribute to the economic welfare of youth and adults.

(2508 amended Aug. 4, 1961, P.L.929, No.407)

Section 2508.1. Payment on Account of Equipment Purchased for Area Vocational-Technical Schools and Technical Institutes.--Every area vocational-technical board operating approved area vocational-technical schools or technical institutes shall be paid by the Commonwealth, annually, on account of instructional equipment approved by the Department of Public Instruction, purchased and installed, a proportionate share of Federal and State funds available and expendable for that purpose. The Department of Public Instruction may make advanced payment of available but unencumbered State and Federal funds to expedite the purchase of equipment.

(2508.1 amended Aug. 14, 1963, P.L.1065, No.463)

Section 2508.2. Payments on Acccunt of Area Vocational-Technical Schools and Technical Institutes.--Every area vocational-technical board composed of school districts of the second, third and fourth class and every intermediate unit authorized to operate an area vocational-technical school and desiring to utilize advance payment of funds to operate area vocational-technical schools shall be paid, on or before the first day of August and on or before the first day of January of each school year that area vocational-technical schools are operated, in equal installments, the amount of estimated cost for the operation thereof, including approved vocational extension classes. Deductions to equal the above installments paid to the area vocational-technical board or the intermediate unit shall be made from reimbursements due the districts of residence of pupils attending vocational-technical schools. These deductions shall be made on the basis of the approved per pupil cost of the program, including current expenses and capital outlay multiplied by the number of pupils in average daily membership.

On or before the first day of August of each year, the Commonwealth shall pay to every area vocational-technical board and every intermediate unit authorized to establish and operate a technical institute or institutes a sum obtained by adding one-third of the current expenses and one-half of the capital expenses as shown in the budget filed by the board or the intermediate unit. On or before the first day of January and approved by the Department of Public Instruction, the Commonwealth shall pay an equal sum or a sum shown to be necessary by an adjusted budget based upon expenditures made during the first half of the school term. At the end of each school year, all unexpended funds shall be credited to Commonwealth payments due for the succeeding year on account of the operation of such institute or institutes or upon the direction of the Superintendent of Public Instruction shall be returned to the Commonwealth. All funds returned shall be credited to the accounts from which they were paid. For each student enrolled in a technical institute, the district of residence shall pay to the Commonwealth the district's proportionate share of the expenses. Such district share of expenses shall be deducted from reimbursement due to the district.

(2508.2 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2508.3. Payments for Vocational Training of Recipients of Public Assistance and Unemployment Compensation.--

The State Board for Vocational Education shall establish rules and regulations and thereunder, approve and authorize payment of the full cost of intensive vocational education classes for qualified public assistance recipients or other unemployed, to take definite available employment which may be contingent upon such training.

The State Board for Vocational Education shall further establish rules and regulations and thereunder approve and authorize payments from funds specifically appropriated for that purpose up to the full cost, including administration, of intensive vocational educational classes to increase skill levels for those persons for whom there are no public training programs available as the unfilled and expanding needs of the Pennsylvania economy shall require in the following categories:

(1) Part-time workers not otherwise employed;

(2) Employed persons who are working below their skill levels and capacities.

Said rules and regulations shall further provide for the implementation of emergency training programs, as the needs of the Pennsylvania economy and the requirements of the above-categorized persons shall require. The board shall authorize said emergency programs and the funding thereof, under said rules and regulations as the necessity therefor shall become apparent.

Said board shall, from time to time, conduct necessary studies and surveys to determine the need for the establishment of said programs and facilities as the needs of the Pennsylvania economy and such persons shall require.

(2508.3 amended Jul. 31, 1968, P.L.929, No.280)

Section 2508.4. Payments on Account of Improvements and Additions in Vocational-Technical Curriculums.--Every area vocational board operating an approved program of vocational or technical education in its own or rented space shall be paid by the Commonwealth for every school year on account of approved replacement, updating and improvement of equipment and on account of approved new or additional equipment up to fifty per cent of the cost of such improvements and additions.

(2508.4 added Aug. 14, 1963, P.L.1065, No.463)

Section 2509. Payments on Account of Courses for Exceptional Children.--Annually, before the first day of July, every school district or joint board of school directors planning to conduct classes or schools for the exceptional shall submit, for prior review and approval to establish the amount on which reimbursement will be paid by the Department of Education, an estimate of the cost of classes or schools for exceptional children to be operated by the district or joint board during the ensuing school year, and for transportation of pupils to and from classes and schools for exceptional children conducted by the district or joint board of school directors. Every school district, regardless of classification, shall be paid by the Commonwealth for the school term 1953-1954, the sum of twenty dollars ($20) per pupil in average daily membership in a course or courses for mentally handicapped children, and the sum of thirty dollars ($30) per pupil in average daily membership in a course or courses for physically handicapped children, approved by the Secretary of Education. Beginning with the school term of 1954-1955 and for every school term thereafter, every school district, regardless of classification, shall be paid by the Commonwealth an amount to be determined by multiplying the

average daily membership in a course or courses for exceptional children, (1) at the elementary level, by an amount determined by subtracting the "instruction cost per elementary pupil," as defined in section 2561 of this act, from the "instruction cost per special class pupil," as hereinafter defined, for the preceding school term, or from the instruction cost per special class elementary pupil as approved for reimbursement by the Department of Education in the budget for classes or schools for exceptional children for the school year in which the class is operated, whichever is the lesser, (2) at the secondary level, by an amount determined by subtracting the "instruction cost per high school pupil," as defined in section 2561 of this act, from the "instruction cost per special class pupil," as hereinafter defined, for the preceding school term, or from the instruction cost per special classes secondary pupil as approved for reimbursement by the Department of Education in the budget for classes or school for exceptional children for the school year in which the class is operated, whichever is the lesser.

To find the "instruction cost per special class pupil," add (1) salaries of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for exceptional children, clerks and assistants employed in the district's program for special education, (2) the district's contribution to the retirement fund on behalf of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for exceptional children, clerks and assistants employed in the district's program for special education, (3) the cost of textbooks and supplies of the second class used in the district's special education classes or schools, (4) the cost of telephonic system equipment which enables handicapped children to remain in their homes and still participate in classroom activities. Divide the sum of (1), (2), (3), and (4) on that part thereof which is approved by the Department of Education for reimbursement by the total number of pupils, including those pupils who have available for use telephonic system equipment whereby they may remain at home and still participate in classroom activities, in average daily membership in the district's approved special classes for exceptional children. The quotient so obtained shall be the "instruction cost per special class pupil."

The average daily membership of speech correction classes shall be calculated by multiplying (1) the average number of pupils in speech correction classes per week by (2) the number of periods per week that speech correction is provided for the individual pupil by (3) the number of minutes per period in speech correction class. Divide the product of (1), (2) and (3) by the total number of minutes spent in all classes weekly by the average pupil. The quotient thus obtained will be the "average daily membership for pupils in speech correction classes."

For the school term of 1972-1973 and for the school term of each school year thereafter, such payments shall consist of an amount payable in two equal installments during the year of operation, with adjustments to be made during the next succeeding school year. The amount to be paid in equal installments on or about the first day of August and on or about the first day of January of the operating year shall be the sum

of the products determined by multiplying the anticipated equivalent full-time average daily membership in courses for exceptional children as reported on the approved budget for the operating year (1) at the elementary level times an amount determined by subtracting the estimated instruction cost per elementary pupil, as defined in section 2561 of this act, for the preceding school term from the budgeted instruction cost per special class elementary pupil as approved by the Department of Education for the operating year and (2) at the secondary level times an amount determined by subtracting the estimated instruction cost per high school pupil, as defined in section 2561 of this act, for the preceding school term from the budgeted instruction cost per special class secondary pupil as approved by the Department of Education for the operating year.

The adjustment to be made during the school year immediately succeeding the operating year shall be determined by subtracting the payments made during the preceding year from the actual amount of reimbursement which would have been payable for said year if calculated as during the year 1954-1955 through 1971-1972. When determined, the adjusted amount, if positive, shall be paid promptly to the district and, if negative, shall be withheld from any moneys due to such district out of any State appropriation.

(2509 amended Dec. 29, 1972, P.L.1732, No.373)

Section 2509.1. Payment on Account of Transportation, Classes and Schools for Exceptional and Institutionalized Children.--Annually, before the first day of July, every intermediate unit shall submit, for prior review and approval by the Department of Public Instruction, an estimate of the cost of operating and administering classes or schools for exceptional and institutionalized children, including the cost of such fiscal controls as auditing and necessary treasurer's and secretary's bonds to be operated by the intermediate unit during the ensuing school year, and for transportation of pupils to and from classes and schools for exceptional children, whether or not conducted by the intermediate unit. On or before the first day of August, the Commonwealth shall pay to the intermediate unit a sum equal to one-half of the approved estimated annual cost of operation and administration of classes and schools for exceptional and institutionalized children and transportation for exceptional children and, on or before the first day of January, shall pay an equal sum, or a lesser sum as may be shown to be necessary by an adjusted budget based upon expenditures during the first half of the school term. At the end of each school year all unexpended funds shall be credited to Commonwealth. Payments due for the succeeding school year on account of the operation of such classes or upon direction of the Superintendent of Public Instruction shall be returned to the Commonwealth. All such funds returned are hereby specifically appropriated to the Department of Public Instruction for support of schools and classes, and transportation for exceptional children. For each child enrolled in any special class or school for exceptional children operated by an intermediate unit, the school district in which the child is resident shall pay to the Commonwealth a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil," as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as

provided for in section two thousand five hundred sixty-one of the act to which this is an amendment. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In addition, the district shall pay on account of transportation by the intermediate unit of pupils to and from classes and schools for exceptional children, whether or not conducted by the intermediate unit, an amount to be determined by subtracting from the cost of transportation per pupil the reimbursement due the district on account of such transportation in order to facilitate such payments by the several school districts. The Superintendent of Public Instruction shall withhold from any moneys due to such district out of any state appropriation, except from reimbursements due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the support of public schools. The cost of operating and administering classes and schools for institutionalized children, including the cost of necessary fiscal controls, shall be paid by the Commonwealth.

(2509.1 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2509.2. Payment on Account of Transportation Classes and Schools for Children of Migrant Laborers.--Annually before the first day of May, 1961, and the first day of February of each year thereafter, every intermediate unit planning to conduct summer classes or schools for children of migrant laborers, and the extension of established summer classes beyond the opening of the fall term, such extensions being for not more than forty school days, shall submit for prior review and approval by the Department of Public Instruction an estimate of the cost of summer classes or schools for children of migrant laborers to be operated by the intermediate unit during the ensuing school year and for transportation, in conformity with existing law, of pupils to and from summer classes and schools for children of migrant laborers whether conducted by the intermediate unit or conducted by an institution or school district employed by the intermediate unit for such purpose: Provided, That where in the judgment of the State Superintendent of Public Instruction the provisions of this act relating to the proper education of children of migrant laborers have not been complied with, the Department of Public Instruction may provide or arrange to have provided transportation, classes or schools for the proper education of children of migrant laborers as directed by the act.

On or before the first day of July, the Commonwealth shall pay to the intermediate unit a sum equal to the approved estimated annual cost of operation of the planned summer classes or schools and transportation for children of migrant laborers. At the end of each school year, all unexpended funds shall be credited to Commonwealth payments due for the succeeding school year on account of the operation of such classes, or upon direction of the Superintendent of Public Instruction shall be returned to the Commonwealth.

(2509.2 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2510. Payments on Account of Extension Classes and

Instruction of Home Bound Children.--(2510 repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

Section 2510.1. Payments on Account of Homebound Children.--Every school district, regardless of classification, shall be paid by the Commonwealth for the school year 1966-1967, and for each school year thereafter, on account of the instruction of homebound children, an amount determined by multiplying the mandated minimum hourly rate for instructing homebound children by the district's aid ratio.

(2510.1 added Feb. 1, 1966 (1965), P.L.1642, No.580)

Section 2511. Payments on Acccunt of Closed Schools.--(2511 repealed Jun. 12, 1968, P.L.192, No.96)

Section 2511.1. Payments on Acccunt of Obligations to State Public School Building Authority.--(2511.1 repealed Mar. 22, 1956 (1955), P.L.1315, No.417)

Section 2512. Certificates of Attendance Data.--On or before the first day of July of every year, each school district, with respect to area technical schools, shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him, showing attendance data for all pupils during the preceding school term, classified into such groups as the Superintendent of Public Instruction shall direct, together with such other information as the Superintendent of Public Instruction shall require, in order to enable him to properly administer the provisions of this act relating to reimbursements by the Commonwealth.

(2512 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2513. Certificates of Teacher Data.--On or before the first day of November of each year, each school district, with respect to area technical schools, shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him, showing the number of full-time teachers, supervisors, principals and other full-time members of the teaching and supervisory staffs, the number thereof employed in elementary schools, and the number employed respectively in three (3) and four (4) year junior high schools, the certificates held by each, and the compensation paid each for the current school year, and showing further the number of part-time teachers, supervisors, and principals employed in extension schools and classes established as herein provided, the certificates held by each, and the compensation paid each during the preceding school year.

(2513 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2513.1. Certificates of Expenditures for Vocational Schools.--On or before the tenth day of July of each year, the school directors of each district shall present to the Superintendent of Public Instruction a statement of the amount expended during the school year previous to such first day of July for instruction in approved local or joint vocational industrial, vocational homemaking, vocational distributive occupational or vocational agricultural schools or departments. On the basis of such a statement the Superintendent of Public Instruction, as the executive officer of the State Board for Vocational Education, shall pay such school districts and joint school districts such reimbursement for the previous school year as is provided for in this act.

(2513.1 added May 9, 1949, P.L.939, No.263)

Section 2514. Certificates of Assessed Valuations.--On or before the first day of July of every year, the board of

revision of taxes of counties of the first class, the board of property assessment appeals and review of counties of the second class, the board for the assessment and revision of taxes of counties of the third class, and the county commissioners of all other counties, shall file a certificate with the Superintendent of Public Instruction, in such form as he may prescribe and on blanks to be furnished by him, showing the assessed valuation of all real property in each school district in the county on which the taxes for the then current year are levied.

Section 2515. Ascertainment of Amounts Required; Apportionment.--The Superintendent of Public Instruction shall ascertain and determine the amount of funds required to meet each payment to school districts, intermediate units and vocational school districts which become due and payable within each fiscal year, on the data and material contained in the certificates which school districts, intermediate units and vocational school districts are required to file with the superintendent at such time as he shall determine. The superintendent shall apportion and allot the same to and among the respective districts and intermediate units. The amount paid to any district or intermediate unit within any fiscal year shall be computed on the data and information contained in the certificates required to be filed each year, as herein provided. Each district's valuation to be used for purposes of computing its standard reimbursement fraction for the school year 1949-1950 and thereafter or for purposes of computing the aid ratio for the school year 1966-1967, and thereafter, shall be the valuation placed upon its taxable real property by the State Tax Equalization Board.

(2515 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2516. Certification of Amounts.--When the amount payable to each district and board has been ascertained and determined by the Superintendent of Public Instruction, he shall certify the same to the State Treasurer and Auditor General, who shall place the accounts to the credit of the respective districts and boards. The Superintendent of Public Instruction shall transmit to each intermediate unit and to each school district a statement showing the amount which has been apportioned and allotted to each school district and to each intermediate unit for area technical schools under the supervision of intermediate unit executive director or district superintendent.

(2516 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2517. Tertiary Payments.--The amount apportioned and allotted to each school district shall be divided into three payments and the Secretary of Education shall draw his requisition three times annually upon the State Treasurer in favor of each district for the amount to which it is entitled. The first two payments shall be estimates based on but not to exceed thirty percent (30%) each of the total amount apportioned and allocated to the school district during the previous school year for the same purposes. The final payment shall be the balance of the apportionment due for the applicable school year. Payment thereof shall be made to all school districts on the first day of October, February and June, except any school district whose fiscal year and calendar year are identical at the effective date of this amendatory act shall continue to receive payments as heretofor.

This section shall apply to payments which a school district

is entitled under any provision of sections 2502, 2592, 2502.3 or 2502.4.

(2517 amended Jun. 26, 1974, P.L.370, No.125)

Section 2518. Forfeitures for Employing Certain Teacher.--In the event that after the first day of July one thousand nine hundred fifty-one, any school district, or intermediate unit with respect to area technical schools, for a period of two successive years employes the same teacher, who holds only an emergency certificate for any grade or subject which he teaches, or for a period of two successive years, employs in the same position teachers, who hold only an emergency certificate for any grades or subjects which they teach, such school district or board shall forfeit the sum of three hundred dollars ($300) for each teacher so employed or for each position so filled. No such penalty shall be imposed for any violation of the foregoing provision during the biennium one thousand nine hundred forty-seven--one thousand nine hundred forty-nine. Any school district or intermediate unit with respect to area technical schools that now or hereafter employs any teacher, who does not hold any form of teacher certification to teach in the public schools of this Commonwealth, valid for the subjects or grades in which the teacher is giving instruction, shall forfeit one reimbursement unit for each such teacher employed. Any school district or intermediate unit with respect to area technical schools that employs any person in a supervisory capacity after the first Monday of July, 1962, who has not been certified for such position by the Department of Public Instruction, shall forfeit one reimbursement unit for each such person employed: Provided, That there shall not be any forfeiture for any uncertificated person who is employed in a supervisory capacity if such person was in the employ of any school district on or before July 1, 1962. Forfeiture shall apply only to uncertificated persons who are hired in a supervisory capacity after July 1, 1962. Any school district or intermediate unit with respect to area technical schools that employs a substitute after July first, one thousand nine hundred fifty-two, in a position where a vacancy exists for a full year or more, without the specific written approval of the Superintendent of Public Instruction, shall forfeit one reimbursement unit for each substitute so employed. The Superintendent of Public Instruction shall deduct such sum or sums from the amount of the Commonwealth appropriation otherwise due such district or intermediate unit under the provisions of this act.

The foregoing forfeitures of reimbursement units on account of employes uncertificated for the position in which employed, and on account of substitutes, shall not apply in the case of employes in positions after July 1, 1966: Provided, however, That any school district or any county board of school directors with respect to area technical schools that after July 1, 1966 has had or shall have in its employ any person in a teaching, specialist, supervisory or administrative capacity who has not been certificated for said position by the Department of Public Instruction, or that has had or shall have in its employ a substitute in a position where a vacancy exists for a full year or more without the specific written approval of the Superintendent of Public Instruction, shall forfeit an amount equal to the minimum salary mandated by law for the position less the product of said salary and the aid ratio of the district: And provided further, That any forfeiture levied prior

to the effective date of this act shall not be increased by reason of any provisions herein, and any forfeiture levied after July 1, 1966 shall be decreased tc conform with this act. Any exemption from forfeiture by reason of employment on or before July 1, 1962 as provided elsewhere in this section shall not be invalidated by this amendment. (Par. added Jul. 22, 1970 (1969), P.L.543, No.185)

(2518 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2519. Withholding Payments for Failure to Pay Minimum Salaries and Increments.--The Superintendent of Public Instruction may refuse to authorize the payment of any amount payable to any school district or intermediate unit for area technical schools for any school year, which the school district or intermediate unit shall at any time fail or refuse to pay to the members of its teaching and supervisory staffs the full amount of the minimum salaries and increments required by law. He may continue to withhold such requisitions until provision has been made by the school district or intermediate unit for the payment of such minimum salaries and increments.

(2519 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2520. Payments on Account of Increase in Number of Pupils and Additional Closed Schools.--(2520 repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

Section 2521. Errors in Certificates.--If any error in any certificate shall occur whereby a school district or intermediate unit with respect to area technical schools would receive more or less of the State appropriation than is justly due to such district or intermediate unit, the intermediate unit executive director or district superintendent shall have authority and hereby is required tc forward immediately to the Superintendent of Public Instructicn a correct certification, and the Superintendent of Public Instruction shall thereupon make it the basis of the appropriation due said district.

(2521 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2522. Payments to School Treasurer; Use.--The annual State appropriation apportioned and distributed by the Superintendent of Public Instruction to any school district or to any intermediate unit for area technical schools shall be paid to the treasurer of the school district or to the treasurer of the intermediate unit, and shall be used by the district through its board of school directors for the use of the district for the purposes mentioned in this act or by the intermediate unit for area technical schools.

(2522 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2523. Schools Closed on Account of Contagious Disease, etc.--When any board of school directors or intermediate unit with respect to area technical schools is compelled to close any school or schools on account of any contagious disease, the destruction or damage of a school building by fire or otherwise, and therefor is unable to keep such school or schools open for the minimum term required by this act, the Superintendent of Public Instruction may pay to such school district or intermediate unit any or all of its share of the annual State appropriation as he deems proper.

(2523 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2524. Penalty for Falsifying Reimbursement Reports.--Any officer of any school district or intermediate unit with respect to area technical schools who knowingly falsifies any report or certificate required to be made for the

purpose of obtaining any reimbursement under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars ($300), nor more than one thousand dollars ($1000), or undergo imprisonment for a term of not less than one (1) month, nor more than six (6) months, or both, in the discretion of the court.

(2524 amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2525. Audio-Visual Libraries and Instructional Materials Centers.--Annually, before the first day of July, every intermediate unit, which operates or participates in the operation of an audio-visual library and instructional materials center, shall submit to the Department of Public Instruction a report of the cost of operating or participating in the operation of such audio-visual library and instructional materials center.

Whenever funds become available from any source whatever for the purpose of (1) making special grants to intermediate units to operate or participate in the operation of audio-visual libraries and instructional materials centers in accordance with policies approved by the State Board of Education, or (2) purchasing mobile units and/or portable exhibits for use in connection with or independently of established audio-visual libraries and instructional materials centers, or either of them, the Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public Instruction in accordance with policies approved by the State Board of Education. This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

(2525 amended Jan. 14, 1970 (1969), P.L.468, No.192)

(c) Pupil Transportation.

Section 2541. Payments on Account of Pupil Transportation.--(a) School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which, and the means and contracts providing for which, have been approved by the Department of Education, in the cases hereinafter enumerated, an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district's aid ratio. In addition thereto, the Commonwealth shall pay to each district qualifying a payment for excessive cost of transportation, said amount to be determined by subtracting from the cost of the approved reimbursable transportation the sum of the Commonwealth transportation payment immediately above, plus the product of one-half mill (0.0005) times the latest market value of the district as determined by the State Tax Equalization Board, provided such amount is not negative. In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the approved cost at which the district acquired the vehicle for which depreciation is claimed. With respect to vehicles purchased prior to January 1, 1956, the number of depreciation payments shall be limited to ten such payments. With respect to vehicles purchased on or after January 1, 1956, the annual depreciation charge shall not exceed seven hundred dollars ($700) for such vehicles. The number of annual depreciation charges shall be limited, so that the total amount

of such payments shall not exceed the cost of the vehicle as approved by the Department of Education at the time of the purchase. In no case shall the Commonwealth pay, in depreciation charges, more than ten thousand five hundred dollars ($10,500) for any one vehicle.

(b) Such payments for pupil transportation shall be made in the following cases:

(1) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of elementary school pupils residing within any part of the district last served by any elementary school closed since the first Monday of July, one thousand nine hundred seven, or within a district all of whose schools have been closed, or who are assigned to a training school of a State college, and in each case who reside one and one-half (1 1/2) miles or more from the school to which they are assigned or who reside in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety in the Department of Transportation.

(2) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest school in session, or any child who resides in an area where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety, and to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest jointly operated school in session offering the proper grades including pupils who are attending area technical schools or any child who resides in an area where there are no

sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety.

(3) To all school districts, for the transportation of physically or mentally handicapped children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

(4) To all third and fourth class school districts, for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half miles or more from the school of attendance or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety.

Consolidated schools or joint consolidated schools shall so long as they are approved by the Secretary of Education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools.

(5) To all school districts, for pupils transported to and from schools used for the purpose of better gradation.

(6) To all school districts for pupils transported to and from area technical schools.

(7) To all school districts, for the transportation of nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or a children's home or other institution for the care and training of orphans or other children, and who attend the public schools, and who live two miles or more from the nearest school with the proper grades or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety.

(c) Payments for pupil transportation on account of the school year 1972-1973 and every school year thereafter shall be made only in the following cases:

(1) To all school districts for the transportation to and from school of elementary school pupils, including kindergarten pupils, residing one and one-half (1 1/2) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. Such elementary school pupils shall include nonresident children who are placed in the home of a resident, or who are residents of an orphanage, or home or children's home or other institution for the care and training of orphans or other children.

(2) To all school districts for the transportation to and from school of secondary school pupils residing two (2) miles or more by the nearest public highway from the school in which the

pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. Such secondary school pupils shall include nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or children's home or other institution for the care and training of orphans or other children.

(3) To all school districts for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half (1 1/2) miles or more from the school of attendance or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety.

Consolidated schools or joint consolidated schools shall so long as they are approved as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools.

(4) To all school districts for the transportation of exceptional children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

(5) To all school districts for pupils transported to and from area technical schools.

(d) The Commonwealth shall reimburse the school districts for the school year 1973-1974 and for each year thereafter for the approved reimbursable costs incurred in providing transportation under section 1361 for nonpublic school pupils and under section 1362 for hazardous conditions: Provided, however, That no district shall receive less than fifty percent (50%) of such approved reimbursable costs. ((d) added Jun. 26, 1974, P.L.370, No.125)

(2541 amended Dec. 29, 1972, P.L.1726, No.372)

Section 2542. Board and Lodging in Lieu of Transportation.--In any case where the Commonwealth is required to reimburse any school district on account of pupil transportation and the school district, in lieu of such transportation, is authorized to and does pay for suitable board and lodging for any pupil, the Commonwealth shall pay to the school district an amount to be determined by multiplying the cost of such board and lodging by the districts aid ratio: Provided, that in no case shall the Commonwealth's share of the cost exceed one dollar ($1) per day per pupil for the actual number of days such pupil is in attendance at school, not exceeding five (5) days in any one week.

(2542 amended Feb. 1, 1966 (1965), P.L.1642, No.580)

Section 2543. Sworn Statement of Amount Expended for Reimbursable Transportation; Payment; Withholding.--On or before the first day of July of each year, each school district entitled to reimbursement on account of pupil transportation shall present to the Superintendent of Public Instruction in

such form as he may prescribe and on blanks to be furnished by him, a sworn statement of the amount expended during the previous school year for reimbursable transportation of pupils to and from school, and any amount expended during the previous school year for board and lodging in lieu of reimbursable transportation. On the basis of such statement, the Superintendent of Public Instruction shall, by requisition upon the State Treasurer, pay, during the month of September, to such school district, such reimbursement for the previous school year as is provided for in this act. The Department of Public Instruction may, for cause specified by it, withhold such reimbursement, in any given case, permanently, or until the school district has complied with the law or regulations of the State Board of Education.

(2543 amended Oct. 21, 1965, P.L.601, No.312)

(d) All Appropriations.

Section 2551. Unused Appropriations.--At the end of any year, any balance of the State appropriation remaining on hand through forfeiture, or otherwise, shall be added to the State appropriation made up for the ensuing year.

Section 2552. Withholding State Appropriations.--It shall be the duty of the Superintendent of Public Instruction to withhold the payment of all money due any school district out of any appropriation made by the Commonwealth for any purpose, until all reports required by law and due at such time have been filed either with the Department of Public Instruction or other proper authority, whether or not such reports have any bearing on the right to such payment, and until all the school district's records bearing on its rights to reimbursements have been submitted on such uniform forms and in such manner as shall be prescribed by the department. At his discretion, he may, in like manner, withhold any or all appropriations from any district failing or refusing to comply with the laws and regulations of any department of the government of this Commonwealth for preserving the health or safety of pupils enrolled in the public schools.

(2552 amended Jul. 13, 1957, P.L.897, No.396)

Section 2553. Audits and Verifications of Rights to Reimbursements.--The comptroller of the Department of Public Instruction shall perform regular audits and field audits and, in his discretion, may perform special audits and field audits of accounts of all school districts, examining all records of receipts and expenditures and such facilities, supplies and materials as may be necessary to verify records of receipts and expenditures, and shall examine and verify allocations of receipts and expenditures among and within programs and reimbursement accounts. The department shall require each school district to submit to the department all of its records bearing on its rights to reimbursements on uniform forms prescribed by the department, and the department shall require each school district to make available all pertinent records and supporting data or materials to the comptroller.

(2553 added Jul. 13, 1957, P.L.897, No.396)

(e) Reimbursements Between School Districts.

Section 2561. Tuition Charges for Pupils of Other Districts.--A school district or vocational school district receiving elementary or high school pupils or vocational or other extension education pupils who are residents of another school district or another vocational school district shall

compute the tuition charges as follows:

(1) General. Add the salaries of secretaries, treasurers, auditors, superintendents, the cost of library books, the salaries of librarians, lectures, health, medical, nurse and dental services, the wages of janitors, and other comparable employes, the cost of fuel, water, light and power, telephone rentals and tolls, the cost of maintenance of school plant, including ordinary repairs, but not including alterations or remodeling, the cost of care of school grounds, premiums on fire and workmen's compensation insurance, the cost of attendance at teachers' institutes, and the district's contribution to the retirement fund and social security contribution fund on behalf of the above listed employes incurred for the school year immediately preceding, and divide the sum so obtained by the total number of pupils in average daily membership in the receiving district's public schools during the school year immediately preceding. The quotient so obtained shall be designated the "overhead cost per pupil."

(2) Elementary Tuition Charge. Add the salaries of supervisors, principals, clerks, assistants and teachers employed in the receiving district's elementary schools, the district's contribution to the retirement fund and social security contribution fund on behalf of teachers, supervisors and principals employed in the district's elementary schools, the cost of textbooks, and supplies of the second class used in the district's elementary schools incurred for the school year immediately preceding, and divide the sum so obtained by the total number of pupils in average daily membership in the receiving district's elementary schools during the school year immediately preceding. The quotient so obtained shall be designated as the "instruction cost per elementary pupil." Add to the instruction cost per elementary pupil, the overhead cost per pupil and a rental charge of eight dollars ($8) per pupil for the use of the receiving district's school plant. For the school years 1952-1953 and 1953-1954 only, but not thereafter, deduct from the amount so obtained the per pupil State appropriation on account of elementary school teaching units. The cost so determined shall be the "tuition charge per elementary pupil."

(3) High School Tuition Charge. Add the salaries of supervisors, principals, clerks, assistants and teachers employed in the receiving district's high schools, the district's contribution to the retirement fund and social security contribution fund on behalf of teachers, supervisors and principals employed in the district's high schools, the cost of textbooks and supplies of the second class used in the district's high schools incurred for the school year immediately preceding, and divide the sum so obtained by the total number of pupils in average daily membership in the receiving district's high schools during the school year immediately preceding. The quotient so obtained shall be designated as the "instruction cost per high school pupil." Add to the instruction cost per high school pupil the overhead cost per pupil and a rental charge of eighteen dollars ($18) per pupil for the use of the receiving district's school plant. For the school years 1952-1953 and 1953-1954 only, but not thereafter, deduct from the amount so obtained the per pupil State appropriation on account of high school teaching units. The cost so determined shall be the "tuition charge per high school pupil." Upon the request of

the receiving district, the "tuition charge per high school pupil" shall be computed separately for pupils attending junior high school and pupils attending senior high school. ((3) amended Jul. 25, 1963, P.L.281, No.151)

(4) Vocational or Other Extension Tuition Charge. Add the salaries of administrators, supervisors, instructors, clerks and custodians specifically employed in the school district's or vocational school district's annual program of Vocational or other Extension Education, the cost of textbooks, and supplies of the second class issued for the program incurred for the school year immediately preceding. A charge of five cents (.05) per pupil hour of instruction for the district overhead and plant usage. Subtract from the sum so obtained the amount of State appropriation applicable. The remainder shall be designated as the "district cost for vocational or other extension education." Determine the total pupil hours of instruction during the school year immediately preceding, divide the "district cost for vocational or other extension education" by the total pupil hours of instruction. The cost so determined shall be the "vocational or other extension tuition charge per pupil hour of instruction.

(5) A school district shall compute the tuition charges for pupils who are residents of another school district for budgetary purposes at the beginning of each school year, and shall use the expenses of the next preceding school year as a basis for such computation. At the end of each school year, the tuition charges shall again be computed and be based on the actual expenses and the tuition charges for non-resident pupils shall then be adjusted in accordance with this latter computation. The school district in which the non-resident pupil is a legal resident shall pay the tuition charges in accordance with the computation based upon the actual expenses. ((5) added Dec. 8, 1959, P.L.1713, No.626)

(2561 amended Sep. 11, 1959, P.L.873, No.348)

Section 2562. Payments by Districts for Pupils Attending in Other Districts.--For each elementary or high school pupil attending a public school of another district, the receiving district shall bill the sending district, and the sending district shall pay the amount of the tuition charge per elementary pupil, or the tuition charge per high school pupil, as the case may be. In the case of pupils attending the receiving district's public schools for less than a full school term, the tuition charge per elementary or high school pupil shall be prorated by reference to the period of time over which such pupils actually attended the receiving district's schools.

For each vocational or other extension education pupil attending an extension class of another district, the receiving district shall bill the sending district if the attendance is previously approved by the sending district and the sending district shall pay the vocational or other extension tuition charge per pupil hour of instruction for each hour of attendance of each such pupil.

Nothing herein shall prohibit the payment of a tuition for vocational or other extension pupils by a non-resident adult pupil sponsoring agency or employer.

(2562 amended May 29, 1951, P.L.438, No.104)

Section 2563. Certification of Pupils Admitted from Other Districts; Monthly Payments.--The board of school directors in any school district or the board of directors of vocational

schools in any vocational school district maintaining an elementary school or a high school or an extension class which is attended by any pupils residing in another district shall, upon admission of such pupils, properly certify to the board of school directors of the school district in which such pupils reside, the names of all such pupils and whether they are attending an elementary school or a high school or an extension class, together with a statement of the tuition charge per elementary pupil and the tuition charge per high school pupil and the vocational or other extension tuition charge per pupil hour of instruction. All such tuition charges shall be paid monthly to the school district or the vocational school district maintaining such elementary school or high school by the school district to which the same was certified.

(2563 amended May 14, 1949, P.L.1365, No.408)

Section 2564. Deductions from State Appropriations.--If any school district wherein a pupil resides, who is entitled by law to attend an elementary school or a high school or an extension class for which extension class tuition has been approved by the sending district in another district, neglects or refuses to pay any such tuition charge, or sewer charge or sewer rental, the Superintendent of Public Instruction is authorized to deduct from any moneys due any such district out of any State appropriation, the amount due from such district to the district where the pupil attends and pay over said sum to the district entitled thereto.

(2564 amended May 29, 1951, P.L.438, No.104)

Section 2565. Sewer Charge or Rental, Districts Fourth Class.--When any school district of the fourth class receiving pupils from other districts is required by the city, borough or township within which its school building or buildings are located, or any municipality authority operating therein, to pay a service charge for sewer connection or a sewer rental measured by the number of pupils attending such school or schools, such receiving district shall include in its bill for tuition charge to each sending district, and the sending district shall pay, the amount of such per pupil sewer service charge or sewer rental for each pupil sent by the sending district. Such charge shall be in addition to the tuition charge provided for by section two thousand five hundred sixty-two of the act to which this is an amendment. In cases where pupils are sent and the tuition charges paid by the parents or other persons to such receiving districts, the parents or other persons shall pay such per pupil sewer charge or sewer rental.

(2565 added Apr. 21, 1949, P.L.678, No.158)

(f) School Building Rentals and Sinking Fund Charges.

(Hdg. added Mar. 22, 1956 (1955), P.L.1315, No.417)

Section 2571. Standard Reimbursement Fraction for School Building Rentals and Sinking Fund Charges.--(2571 repealed Jul. 13, 1957, P.L.864, No.391)

Section 2572. State Public School Building Authority and Municipality Authority and Nonprofit Corporation Leases Heretofore Approved.--(a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings or providing educational equipment under the provisions of the State Public School Building Authority Act for every lease or contract entered into or approved by the

Superintendent of Public Instruction prior to August 26, 1953, and to each school district which shall have entered into a lease approved by the Department of Public Instruction prior to August 26, 1953, with a municipality authority or with a non-profit corporation, for the rental of a school building or buildings or providing educational equipment, an amount to be determined by multiplying the school district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by the annual rental charge as fixed by the State Public School Building Authority, or by the annual rental or share thereof provided for under its lease with such municipality authority or non-profit corporation, as the case may be.

(b) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the State Public School Building Authority Act for every lease approved by the Department of Public Instruction on or after August 26, 1953, but prior to March 22, 1956, and to each school district which shall have entered into a lease approved by the Department of Public Instruction on or after August 26, 1953, but prior to March 22, 1956, with a municipality authority or with a non-profit corporation for the rental of a school building or buildings, an amount to be determined by multiplying the school district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by that portion of the annual rental charge or share thereof provided for under its lease with the State Public School Building Authority or municipality authority or non-profit corporation, as the case may be, sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings, the cost of acquiring the land upon which the school buildings are situate and the interest on such cost.

(2572 amended Jun. 12, 1968, P.L.192, No.96)

Section 2573. Municipality Authority and Nonprofit Corporation Leases Heretofore Approved.--(2573 repealed Jul. 13, 1957, P.L.864, No.391)

Section 2574. Approved Reimbursable Rental for Leases Hereafter Approved and Approved Reimbursable Sinking Fund Charges on Indebtedness.--(a) For school building projects for which the general construction contract is awarded subsequent to March 22, 1956, and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to March 22, 1956, the Department of Public Instruction shall calculate an approved reimbursable rental or approved reimbursable sinking fund charges. Reimbursable sinking fund charges may include charges for temporary indebtedness within constitutional limitations, if the indebtedness is incurred for approved permanent improvements to the school plant including the cost of acquiring a suitable site for a school building, the cost of constructing a new school building, or the cost of providing needed additions or alterations to existing buildings for which no bond issue is provided and for which an approved obligation or obligations other than bonds have been issued and the obligation or obligations are payable within five (5) years from the date of issue of the obligation in equal annual installments.

Approved reimbursable rental or sinking fund charge shall

consist of that part of the annual rental or sinking fund charge attributable to--

(1) The cost of acquiring the land upon which the school buildings are situate, the cost of necessary rough grading to permit proper placement of the building upon said land and the cost of sewage treatment plants, as required by the Department of Health, to the extent that such costs are deemed reasonable by the Department of Public Instruction and the interest on such costs of acquisition, grading and sewage treatment plants earned subsequent to date the construction contract is awarded, and

(2) The approved building construction cost and the interest on such construction cost. ((a) amended Sep. 29, 1959, P.L.992, No.407)

(b) For new school buildings the approved building construction cost shall be the lesser of

(1) The cost of constructing the school buildings including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price, or

(2) The product of the rated pupil capacity as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars ($1100) in the case of elementary schools, (ii) one thousand seven hundred dollars ($1700) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by one thousand one hundred dollars ($1100) and the rated secondary pupil capacity by one thousand seven hundred dollars ($1700) and dividing the sum by the total rated pupil capacity.

(3) The provisions of clause (2) of subsection (b) hereof shall apply to all school building projects for which the general construction contract is awarded prior to July 1, 1966, and for approved school building projects for which a lease was approved by the Department of Public Instruction prior to July 1, 1966. For school buildings for which the general construction contract is awarded subsequent to July 1, 1966 and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to July 1, 1966, the product of the rated pupil capacity as determined by the Department of Public Instruction at the time the project is approved and (i) two thousand three hundred dollars ($2300) in the case of elementary schools, (ii) three thousand dollars ($3000) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by two thousand three hundred dollars ($2300) and the rated secondary pupil capacity by three thousand dollars ($3000) and dividing the sum by the total rated pupil capacity. ((3) amended Jun. 12, 1968, P.L.192, No.96)

(c) For additions or alterations to existing buildings approved building construction cost shall be the lesser of

(1) The cost of constructing the additions or alterations including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price, or

(2) The difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of the altered or expanded building as determined by

the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars ($1100) in the case of elementary schools, (ii) one thousand seven hundred dollars ($1700) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by one thousand one hundred dollars ($1100) and the rated secondary pupil capacity of the altered or expanded building by one thousand seven hundred dollars ($1700) and dividing the sum by the total rated pupil capacity of the altered or expanded building.

Appraisal value shall be the valuation made immediately before the additions or alterations are begun by three competent appraisers, one appointed by the school authorities, one by the Superintendent of Public Instruction, and the third by the other two.

(3) The provisions of clause (2) of subsection (c) hereof shall apply to all school building projects for which the general construction contract is awarded prior to July 1, 1966 and for approved school building projects for which a lease was approved by the Department of Public Instruction prior to July 1, 1966. For school buildings for which the general construction contract is awarded subsequent to July 1, 1966 and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to July 1, 1966, the difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of the altered or expanded building as determined by the Department of Public Instruction at the time the project is approved and (i) two thousand three hundred dollars ($2300) in the case of elementary schools, (ii) three thousand dollars ($3000) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by two thousand three hundred dollars ($2300) and the rated secondary pupil capacity of the altered or expanded building by three thousand dollars ($3000) and dividing the sum by the total rated pupil capacity of the altered or expanded building.

Appraisal value shall be the valuation made immediately before the additions or alterations are begun by three competent appraisers, one appointed by the school authorities, one by the Superintendent of Public Instruction, and the third by the other two. ((3) amended Jun. 12, 1968, P.I.192, No.96)

(c.1) If the Commonwealth makes any payment under section 2575.1 of this act on account of a preliminary payment by a school district on the approved building construction cost, the amount of the preliminary payments by the school district shall be subtracted from the amount of the approved building construction cost for the purpose of calculating the approved reimbursable rental on projects undertaken pursuant to sections 783, 790 or 791 of this act. ((c.1) amended Sep. 12, 1961, P.L.1268, No.555)

(c.2) If the Commonwealth makes a payment of fifty per cent (50%) under section 2574.1 of this act on account of the approved cost of the acquisition of a site for a school building, the amount payable under this section on account of the approved cost of site acquisition shall be reduced by fifty

per cent ((c.2) added Sep. 12, 1961, P.L.1268, No.555)

(d) For purposes of calculating the amount of rental reimbursement the approved reimbursable rental for a school project constructed for two or more school districts shall annually be apportioned among the participating districts on the basis of the proportion which the valuation of each district as certified by the state tax equalization board during the preceding school year bears to the total valuation of all participating districts. In special cases where the best interests of the Commonwealth and of the school districts will be better served by permitting the districts to establish for themselves some method other than market valuation as the basis for determining their respective shares of the annual lease rental, the Superintendent of Public Instruction may issue a special order approving such method of sharing the rental and authorizing that the rental reimbursement for that particular project shall be calculated on the basis of the proportionate share of rental actually paid by each district. ((d) amended Nov. 30, 1959, P.L.1601, No.579)

(e) For area vocational-technical school and technical institute projects leased subsequent to July 1, 1964, by or for lease to a board of school directors authorized to operate such a school, the Department of Public Instruction shall calculate an approved reimbursable rental charge.

For area vocational-technical school and technical institute projects constructed or purchased subsequent to July 1, 1964, by a board of school directors authorized to operate such a school, the Department of Public Instruction may calculate an approved reimbursable sinking fund charge.

Approved reimbursable rental or sinking fund charge shall consist of that part of the annual rental or sinking fund attributable to:

(1) Cost of acquiring land and preparing it for use to the extent that such costs are deemed reasonable by the Department of Public Instruction and the interest on such cost of acquisition, cost of preparation and the cost of sewage treatment and the interest on such costs.

(2) Machinery, apparatus, furniture and equipment and all other necessary expenses and interest charges, but excluding architects' fees in excess of six percent of the construction cost.

The approved building construction cost and the interest on such construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of Public Instruction at the time the project is approved and two thousand two hundred dollars ($2,200).

The provisions of the foregoing paragraph shall apply to all school building projects for which the general construction contract is awarded prior to July 1, 1966, and for approved school building projects for which a lease was approved by the Department of Public Instruction prior to July 1, 1966. For school buildings for which the general construction contract is awarded subsequent to July 1, 1966, and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to July 1, 1966, the approved building construction cost and the interest on such construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of

Public Instruction at the time the project is approved, and three thousand seven hundred dollars ($3700).

The Department of Public Instruction shall not approve the expenditure of any funds borrowed or obtained by the sale of bonds by any authority, nonprofit corporation, profit corporation, company or individual for construction of area vocational-technical schools or technical institutes for bleachers, athletic field, lighting equipmert or apparatus used to promote and conduct interscholastic athletics. ((e) amended Jun. 12, 1968, P.L.192, No.96)

(f) For the purchase of any building, reimbursement shall be computed in the same manner as fcr constructed school buildings and approved building cost shall be the lesser of

(1) The cost of purchasing the site and structure and the cost of approved renovations including appropriate fixtures and equipment, or

(2) For the purchase of any building (I) the product of the rated pupil capacity as determined by the Department of Education at the time the purchase is approved and (i) one thousand one hundred dollars ($1,100) in the case of elementary schools, (ii) one thousand seven hundred dollars ($1,700) in the case of secondary schools, and (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by one thousand one hundred dollars ($1,100) and the rated secondary pupil capacity by one thousand seven hundred dollars ($1,700) and dividing the sum by the total rated pupil capacity; and (II) in the case of renovation of any building including appropriate fixtures and equipment, reimbursement shall be (i) one thousand two hundred dollars ($1,200) for elementary schcols, (ii) one thousand three hundred dollars ($1,300) for secondary schools, and (iii) for combined elementary-secondary schools an amount obtained by multiplying the rated elementary capacity by one thousand two hundred dollars ($1,200) and the rated secondary pupil capacity by one thousand three hundred dollars ($1,300). ((f) added Jun. 1, 1972, P.L.325, No.89)

(2574 added Mar. 22, 1956 (1955), P.L.1315, No.417)

Section 2574.1. Payments on Acccunt of Building Site Costs.--Whenever any school district acquires a site for a school building in advance of its need and in accordance with a long range master plan for school building construction approved by the Department of Public Instruction to the extent that the cost of the acquisition shall be deemed reasonable by the Department of Public Instruction, the Commonwealth shall pay, in the year of such acquisition, one hundred percent (100%) of the reimbursement due the district under applicable laws in force at that time for the cost of acquisition. If such site is not thereafter used by the district for school building purposes, within a period of ten years from date of purchase, the amcunts paid to the district under this section shall be returned to the Commonwealth by the district within two years of the end of such ten year period of non-user. If such amounts are not so returned within such two year period, Commonwealth moneys due and payable to the district by the Department of Public Instruction as a subsidy or reimbursement for any purpose shall first be withheld in the amount of the moneys owed the Commonwealth by the district under this section and credited as returned in full hereunder before any part of such Commonwealth reimbursement or subsidy is paid to the district.

(2574.1 amended Jan. 26, 1966 (1965), P.L.1591, No.560 and Oct. 21, 1965, P.L.601, No.312)

Section 2574.2. Approved Reimbursable Annual Rental for Leases of Buildings and Facilities for School Use.--For extended leases of buildings and facilities for school use authorized under the provisions of section 703.1 which have been approved by the Secretary of Education, the Department of Education shall calculate an approved reimbursable annual rental charge.

Approved reimbursable annual rental for such approved leases of building facilities constructed for school use shall be the lesser of (i) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the pupil scheduled area to the architectural area, or (ii) the product of the rated pupil capacity as determined by the Department of Education at the time of initial lease times one hundred sixty dollars ($160) for elementary schools, two hundred twenty dollars ($220) for secondary schools, or two hundred seventy dollars ($270) for area vocational-technical schools.

Annual approved rental payable for approved leases of existing facilities altered for school use shall be the lesser of (i) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the pupil scheduled area to the architectural area, or (ii) the product of the rated pupil capacity, as determined by the Department of Education at the time of initial lease, times one hundred twelve dollars ($112) for elementary, one hundred fifty-four dollars ($154) for secondary, or one hundred eighty-nine dollars ($189) for area vocational-technical schools.

(2574.2 added Dec. 6, 1972, P.L.1445, No.323)

Section 2575. Payments on Account of Leases Hereafter Approved and on Account of Sinking Fund Charges on Indebtedness for School Buildings Hereafter Constructed.--(a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the Public School Building Authority Act, the Municipality Authority Act, section 758 of the Public School Code of 1949, or section 791 of the Public School Code of 1949, on account of buildings for which the lease is approved on or after March 22, 1956, or through the incurring of indebtedness by the issuance of general obligation bonds on account of buildings for which the general construction contract is awarded on or after March 22, 1956, an amount to be determined by multiplying the district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by the approved reimbursable rental or approved reimbursable sinking fund charge.

(b) The Commonwealth shall pay, annually, to each school district which constructs, purchases or leases with the approval of the Department of Public Instruction an area vocational-technical school building or technical institute building or which shares in the construction, purchase or lease of such building or buildings under provisions of the Public School Building Authority Act, the Municipality Authority Act, section 758 of the Public School Code of 1949, or section 791 of the Public School Code of 1949, or other agency, or through the incurring of indebtedness by the issuance of general obligation bonds, an amount to be determined by multiplying the district's aid ratio or fifty per cent, whichever is more, by the approved reimbursable rental approved reimbursable sinking fund charge

multiplied by the district's proportionate share of such rental sinking fund charge.

(2575 amended Jun. 12, 1968, P.L.192, No.96)

Section 2575.1. Payments on Acccunt of Building Costs.--The Commonwealth shall pay to any school district making a preliminary payment on account of the apprcved building construction cost as authorized by section 783 or by clause (4) of section 790 or by clause (5) of section 791 of this act, an amount determined by multiplying the district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by the amount of the payment made by the school district.

Whenever any school district provides the full payment on account of approved building construction cost without incurring debt, or without assuming a lease, the Commonwealth shall pay to such school district an amount determined by multiplying the district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by the amount of the payment made by the school district.

The payment required by this section shall be made for the year in which the school district made its payment on account of the approved building construction cost.

(2575.1 amended Jun. 12, 1968, P.L.192, No.96)

Section 2575.2. Payments on Acccunt of Approved Rental for Leases of Buildings and Facilities for School Use.--The Commonwealth shall pay, annually, for the school year 1972-73 and each school year thereafter to each school district which leases with the approval of the Department of Education buildings and facilities for school use under the provisions of section 703.1, an amount to be determined by multiplying the district's aid ratio by the approved reimbursable annual rental.

In the case of districts eligible under density factor the minimum annual payment shall be no less than fifty per centum (50%) of the approved reimbursable annual rental.

(2575.2 added Dec. 6, 1972, P.L.1445, No.323)

Section 2576. Approval of Department of Public Instruction.--(a) No payment shall be made to any school district on account of any lease entered into with the State Public School Building Authority or any municipality authority or nonprofit corporation under section 758 of this act or any profit or nonprofit corporation, partnership, association or person under section 791 of this act or on account of sinking fund charges on indebtedness for school buildings unless such lease or sinking fund charge is approved by the Department of Public Instruction. Except as hereinafter provided, the Department of Public Instruction may give its approval to any lease heretofore or hereafter entered into and to any payments on account of sinking fund charges on indebtedness for schcol buildings if it shall find in the case of all school districts, except school districts of the first class, first class A and second class which are not part of a county-wide plan, that the leased project or the project for which the indebtedness is incurred, is in conformance with county-wide plans prepared by the county board of school directors and approved pursuant to the standards of the State Board of Education for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth, and in the case of all school districts, that the school building will conform with standards and regulations

prescribed by the department with respect to educational and architectural design, building materials, fixtures and equipment, location, usefulness for community activities, safety, comfort and convenience, and that the school district or school districts which incur the indebtedness or to which the project is to be leased will have the ability to meet from current revenues the rental or sinking fund charge or their respective shares of rental or sinking fund charge and to defray the cost of their respective shares of the cost of operation and maintenance of the project. ((a) amended Oct. 25, 1965, P.L.601, No.312)

(b) The department shall have the right to disapprove or approve with reservation a lease because of any failure on the part of the authority or school district tc comply with the provisions of the laws of the Commonwealth relating to such authority or nonprofit corporation or profit or nonprofit corporation, partnership, associatien or person or school district only to such extent as will prevent the school district from paying a greater sum as rental because of such noncompliance with law. For that purpose, the department may require a modification of the lease if not at that time executed or may approve the lease with the reservation that the department will pay the reimbursement on that amount only which would have been determined by reasen of the lower rental.

(c) The Department of Public Instruction shall not approve any project for which Commonwealth reimbursement is sought unless an inspection has been made by the department of the location and adequacy of existing school facilities and the determination made that existing facilities are inadequate in terms of prevailing educational standards.

(2576 amended Jul. 11, 1957, P.L.775, No.373)

Section 2577. Limitations on Approval of Projects for Reimbursement Purposes.--((a) repealed Sep. 12, 1961, P.L.1268, No.555)

(a.1) ((a.1) repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

(b) The Department of Public Instruction shall determine reimbursement eligibility of all prcjects including projects submitted for approval prior to the effective date of this act in the order of date of filing of applications for project approval with the department, except that in the case of application for area vocational-technical schools, the department may grant priority to such applications in the order in which said applications are received and process them immediately. If a delay in departmental processing of any application on file is occasioned by the applying school district, the department shall proceed to determine reimbursement eligibility of projects next in order, except that in the event of any emergency due tc fire, flood, orders from the Department of Labor and Industry to close school buildings or parts thereof where such school buildings or parts thereof are determined to be irrepairable and are closed finally by the Department of Labor and Industry, or an act of God, which causes undue hardship beyond the control of the applying school district, the department may grant priority over the eligibility of projects submitted prior to the emergency application: Provided, however, That in cases where priority is granted due to closed schools or parts thereof by orders of the Department of Labor and Industry, the approved reimbursable costs of such projects shall not be included within the aggregate for projects

already undertaken or to be undertaken as provided in subsection (a) of this section. ((b) amended Aug. 14, 1963, P.L.1065, No.463)

(c) Unless the general construction contract for any project is awarded within ten months subsequent to the date of approval by the Department of Public Instruction and by any other agency as required by existing law, approval shall be withdrawn, except that when a district shows to the satisfaction of the department that the contract has not been let for reasons beyond its control or that withdrawal of approval would work undue hardship, the department may grant extensions beyond the ten-months period for three periods of ninety days each before approval is withdrawn. Any project for which approval was withdrawn under the provisions of act 417, approved March 22, 1956 (P.L.1315), may be reinstated by the Department of Public Instruction and granted extensions which, together with the time already elapsed, shall not exceed nineteen months beyond the date of approval given by the Department of Public Instruction or any agency as required by existing law. A project for which approval is withdrawn may be resubmitted to the department as a new project. ((c) amended Jul. 3, 1957, P.L.471, No.265)

Section 2578. Payments.--(a) Payments to a school district shall be determined and approved by the Department of Public Instruction. The amount so approved shall be included in and be payable from any future appropriations made to the Department of Public Instruction. Payments to school districts shall be made semi-annually where the districts lease agreement specifies that lease payments shall be paid semi-annually. ((a) amended Dec. 22, 1959, P.L.1974, No.726)

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority, sinking fund charges, or rentals under leases with municipality authorities, nonprofit corporations or profit on nonprofit corporations, partnerships, associations or persons for building or educational equipment for area technical schools, shall be paid to the intermediate unit operating the school. School districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority, a nonprofit corporation or a profit or nonprofit corporation, partnership, association or person for buildings or educational equipment for an area technical school but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as though they had originally been parties to the agreement or lease. The amount thereof shall be paid to the intermediate unit. No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to plans approved by the State Board for Vocational Education. ((b) amended Jan. 14, 1970 (1969), P.L.468, No.192)

Section 2578.1. Payments to School Districts Because of Density Factor.--Beginning with the school year 1965-1966 and in each school year thereafter, to districts eligible under the density factor, payments on leases or sinking fund charges shall be no less than fifty percent (50%) of the approved reimbursable rental or sinking fund charge for a school building project. Such payments shall be made annually, semi-annually or as may otherwise be required by the terms of any agreement entered into

by the school district with the approval of the Superintendent of Public Instruction.

(2578.1 amended Jun. 12, 1968, P.L.192, No.96)

Section 2579. Inspection of Projects by Department of Public Instruction.--The Department of Public Instruction shall inspect, during construction, the work performed by or under contract with a municipality authority, nonprofit corporation, profit or nonprofit corporation, partnership, association or person or school district, on all projects for the rental or sinking fund charge of which the Commonwealth will make reimbursement, and shall compel compliance with approved plans.

(2579 amended Jul. 11, 1957, P.L.775, No.373)

Section 2580. Changes in the Amount of Lease Rentals.--Reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the State Public School Building Authority or any municipality authority or nonprofit corporation or profit or nonprofit corporation, partnership, association or person or in the case of refinancing on account of rental payments provided by a renegotiated lease shall be calculated in the same manner as the specified lease rental.

(2580 amended Jul. 11, 1957, P.L.775, No.373)

(g) Payments to Joint School Boards or Joint School Committees.
(Hdg. added Nov. 30, 1959, P.L.1595, No.575)

Section 2585. Payments to Joint School Boards of Joint School Committees.--Whenever a joint school board or a joint school committee, or any of its officers or employes, renders any service or performs any act, function or duty for which school districts are entitled to receive payments authorized by this article, the Commonwealth of Pennsylvania or any of its departments authorized by this article to make payments to school districts, may, upon request of the school districts which have established the joint school board or joint school committee, and the submission of information and reports otherwise required by this article to be filed or presented to the Commonwealth of Pennsylvania or any of its departments or to the officer who heads any such department, make the payments directly to the joint school board or joint school committee in lieu of making the payments to the school districts which have established the joint school board or joint school committee. Payments to the joint school boards and joint school committees shall be subject to withholding of payments and forfeiture of payments and all other requirements of this article for payments to school districts by the Commonwealth or its departments.

(2585 added Nov. 30, 1959, P.L.1595, No.575)

(h) Additional Payments.
(Hdg. added Nov. 21, 1959, P.L.1589, No.569)

Section 2591. Additional Payments.--(2591 repealed Feb. 1, 1966 (1965), P.L.1642, No.580)

Section 2592. Guaranteed Payment.--(a) The Secretary of Education shall, for each school district, determine the sum of the following subsidies payable in 1967-1968: instruction, as defined in section 2502, supplemental payments, tuition, minimum reimbursements as defined in section 2503.1 and extension education. The sum of such subsidies shall be divided by the weighted average daily membership of all pupils during 1966-1967

to determine an amount per pupil.

In 1967-1968, and in each school year thereafter, each school district shall receive from the Commonwealth an amount which is the greater of (a) the amount per pupil determined for 1966-1967 according to the preceding paragraph times the weighted average daily membership applicable to the year for which payment is being made, or (b) the amount as determined in accordance with subsections (d) and (e) of section 2502 of this act.

(b) The Secretary of Education shall, for each school district, determine the sum of the following subsidies payable in 1971-1972; payments on account of instruction under subsections (d) and (e) of section 2502 or subsection (a) of this section, whichever is applicable; payments on account of low actual instruction expense under subsection (g) of section 2502. The sum of such subsidies shall be divided by the weighted average daily membership of the district's pupils for the school year 1970-1971 to determine an amount per weighted average daily membership.

In 1972-1973 and in each school year thereafter, each school district shall receive from the Commonwealth an amount which is the greater of (a) the amount per weighted average daily membership determined for 1970-1971 according to the preceding paragraph for the district or its components times the weighted average daily membership applicable to the year for which payment is being made, or (b) the amount as determined in accordance with subsections (d) and (e) of section 2502 of this act.

(c) In the event that a district is eligible under the density or sparsity fraction, there shall be added to its payment, as determined above, an amount determined by multiplying the aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater times expenditures in excess of four hundred dollars ($400) per weighted average daily membership, up to a maximum of, for the school year 1966-1967 one hundred dollars ($100), for the school year 1967-1968 one hundred fifty dollars ($150), for the school year 1968-1969 two hundred dollars ($200), for the school year 1969-1970 and each school year thereafter two hundred fifty dollars ($250) and times the weighted average daily membership: Provided, however, a district eligible for added payment under the density or sparsity fraction may, in lieu of the above payment, elect for any school year to have added to its payment, and the Commonwealth shall add to its payment, on account of excess expenditures per weighted average daily membership in excess of four hundred dollars ($400) a sum of thirty dollars ($30) per weighted average daily membership.

(2592 amended Dec. 29, 1972, P.L.1732, No.373)

Compiler's Note: The act of Aug. 24, 1977, P.L. , No.59 which amended this act by further providing for school subsidies also contained the following provisions:

Section 12. The increases in subsidies as provided for in section 11 of this amendatory act shall not apply to school districts of the first class and of the first class A.

Section 13. The Department of Education shall make a one-time payment, in addition to any other payments made under the provisions of the "Public School Code of 1949," to those school districts who do not receive a subsidy increase of at least 6% during the 1977-1978 school year over the

payment the district received during the 1976-1977 school year under subsections (d), (e) and (f) of section 2502, and sections 2502.3, 2502.4 and 2592. The payment shall be in the amount necessary, as determined by the secretary, to provide that such school districts receive a 6% increase over payments received by the district during the 1976-1977 school year.

Section 14. Notwithstanding any other provisions of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," the board of school directors of each school district is authorized to and shall reopen its 1977 or 1977-1978 budget, whichever is applicable, during the month of August, 1977 only, to make any revisions in the budget and tax levies heretofore adopted to reflect anticipated increases in subsidies payable to the school district during its 1977 or 1977-1978 fiscal year under the provisions of this act.

Section 15. It is the intent and purpose of the General Assembly that the funds which accrue to the school districts of the Commonwealth on account of the provisions of this act be expended only for the reduction of school taxes and the restoration of school district programs and activities reduced or eliminated as a result of the previously adopted 1977 or 1977-1978 budget of the district.

Section 16. (a) It is the intent of the General Assembly that under no circumstances shall the increased costs resulting from the subsidy formula changes set forth in this act, excluding subsidy changes applying to nonpublic schools, exceed the sum of $100,000,000 for the 1976-1977 school year and $150,000,000 for the 1977-1978 school year and each school year thereafter over the existing costs incurred by the Commonwealth under present law.

(b) It is the intent of the General Assembly that under no circumstances shall the increased costs resulting from the subsidy formula changes applicable for nonpublic schools set forth in this act exceed the sum of $5,057,000 for the school year 1977-1978 and $7,586,000 for the school year 1978-1979 and each school year thereafter over the existing costs incurred by the Commonwealth under present law.

(c) If the sums appropriated for any fiscal year for making payments provided in this act subject to the limitation set forth in subsection (a) are not sufficient to pay in full the total amounts to which all qualified school districts are entitled to receive under this act for such year, the allocations to such school districts, shall be proportionately reduced by the percentage of difference between the amount needed and the amount appropriated to the extent necessary to bring the aggregate of such allocations within the limits of the amount appropriated.

Section 17. This act shall take effect immediately.

ARTICLE XXVI.
STATE SCHOOL FUND.

Section 2601. How Constituted.--All escheated estates in this Commonwealth, and all other property or money which shall in any way accrue to such fund, whether by devise, gift, or otherwise, shall belong to and constitute a fund, to be known and designated as "The State School Fund of Pennsylvania," which is to be maintained as herein provided.

Section 2602. Management and Custody.--All real and personal property belonging to the State School Fund shall be wholly under the control and management of the State Board of Education. The net receipts derived in any way from, or on account of, any real or personal property belonging to the State School Fund, and all other moneys accruing to said fund, shall always be promptly paid to the State Treasurer, and kept by him in a separate account, subject to the disposal of the State Board of Education as herein provided. The State Treasurer shall deposit said funds in the properly authorized depositories for State funds, and shall add to such funds the interest received from the depositories for the use of the same. All income derived from any investments of the State School Fund shall be paid to the State Treasurer, and kept deposited as herein provided in a separate account, subject to the order of the State Board of Education. The State Treasurer and his bondsmen shall be responsible for the safekeeping of, and accounting for, said funds, in the same manner and under the same penalties as for the safekeeping of, and accounting for, the other funds of this Commonwealth.

(2602 amended Oct. 21, 1965, P.L.601, No.312)

Section 2603. Investments.--The State Board of Education shall promptly invest, and keep invested as constantly as possible, to the best advantage of the State School Fund, all appropriations, devises, gifts, and other receipts for this purpose, as a permanent State School Fund. Investments of the permanent State School Fund may be made only in bonds properly issued by the Government of the United States, the Commonwealth of Pennsylvania, a school district in this Commonwealth, or in municipal bonds in which savings banks of Pennsylvania are authorized by law to invest their deposits, and all such investments must be first approved by the Auditor General.

Such investments shall be converted into cash whenever necessary to make the payments provided for in this article, and to pay for salaries and wages, purchase of supplies and other necessary and pertinent expenses of administration of this article.

(2603 amended Oct. 21, 1965, P.L.601, No.312)

Section 2604. Use of Fund Appropriation.--In addition to equalizing educational opportunities throughout the Commonwealth, the State Board of Education may expend moneys from the State School Fund of Pennsylvania for the purpose of paying a part of the costs of repairs and/or alterations to local public school buildings or buildings used by State colleges, which repairs and/or alterations are necessary to satisfy fire and safety standards or requirements and which are required by order of the Department of Labor and Industry, or in those cases in which the Department of Labor and Industry does not have jurisdiction, then by order of another governmental body of competent jurisdiction empowered by law to enforce such orders, including cities of the first class, cities of the second class, and cities of the second class A.

As much of the moneys in the State Fund of Pennsylvania, including principal and income, as may be necessary, is specifically appropriated to the State Board of Education to be used for the purposes and in the manner prescribed in this act.

(2604 amended Oct. 21, 1965, P.L.601, No.312)

Section 2605. Payments; How Made.--Applications for approval of the proposed work shall be submitted to the Department of

Public Instruction and except as provided below, no project shall be undertaken until such application, together with plans and specifications, have been approved by the department. When projects have to be undertaken to satisfy fire and safety standards and time is of the essence, the projects may be undertaken without first securing approval but in no case shall payment be made until approval is received.

Upon approval of the project, applications for payments, as hereinafter provided, may be made by the board of school directors of a school district or by a joint school board and by the trustees of a State college to the Department of Public Instruction in such form as the State Board of Education, with the approval of the Auditor General, Superintendent of Public Instruction and Secretary of Labor and Industry shall prescribe. Applications for payments under provisions of this act shall be considered in the order in which they are filed with the Department of Public Instruction.

Applicants may qualify for payments on account of repairs and/or alterations made in compliance with orders issued subsequent to December 1, 1958, by the Department of Labor and Industry or by other governmental bodies of competent jurisdiction empowered by law to enforce such orders, including the cities of Philadelphia, Pittsburgh and Scranton.

Payments shall be made on order of the State Board of Education, signed by the chairman and secretary thereof, drawn on the State Treasurer on such funds when the applications therefor have been approved by the Auditor General, the Superintendent of Public Instruction and the Secretary of Labor and Industry, provided the State Board of Education may grant ad interim authority to the Superintendent of Public Instruction to issue orders, which shall be confirmed by the board at its next regular meeting. In the case of school districts which have less than three hundred fifty thousand dollars ($350,000) valuation per district teaching unit, payments may be approved up to seventy-five per centum of the total cost of repairs and/or alterations. In the case of school districts which have more than three hundred fifty thousand dollars ($350,000) but less than seven hundred fifty thousand dollars ($750,000) valuation per district teaching unit, payments may be approved up to fifty per centum of the total cost of repairs and/or alterations. In the case of school districts which have more than seven hundred fifty thousand dollars ($750,000) but less than one million dollars ($1,000,000) valuation per district teaching unit, payments may be approved up to twenty-five per centum of the total cost of repairs and/or alterations. Where school districts have more than one million dollars ($1,000,000) valuation per district teaching unit, payments may be approved up to five per centum of the total cost of repairs and/or alterations. Payments up to one hundred per centum of the total cost of repairs and/or alterations may be approved in the case of applications made by State colleges and school districts which are determined by the Superintendent of Public Instruction to be financially handicapped and distressed in accordance with the provisions of this act. In no case shall any payment be made for repairs and/or alterations made to any school building which is closed finally by the Department of Labor and Industry or the Department of Public Instruction.

Except in the case of State colleges, payment on account of any project under the provisions of this act shall preclude any

further reimbursement from State funds for the project.

(2605 amended May 17, 1968, P.L.123, No.64)

Section 2606. Reports of Condition of Fund.--The State Treasurer shall report to the State Board of Education, at such times as the board requests, the conditions of said fund, and shall in his annual report make an itemized statement of the receipts, disbursements, and amount on hand of said school fund and its incomes. The State Board of Education shall annually make to the Governor and to the Auditor General a complete detailed report of the condition of said fund, including its receipts, expenditures and investments.

(2606 amended Oct. 21, 1965, P.L.601, No.312)

Section 2607. Refunds of Escheated Estates; Appropriation.--Whenever it shall appear that a claimant is lawfully entitled to all or any portion of the proceeds of any escheated estate which have been credited to the State School Fund, such claimant shall have the right to petition the Board of Finance and Revenue for a refund, in accordance with the procedure provided in section five hundred four of The Fiscal Code, the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 343), as amended, with the right of appeal as therein provided. So much of the principal of the State School Fund as may be necessary for such refunds is hereby appropriated for that purpose.

(2607 added Jul. 29, 1953, P.L.977, No.238)

ARTICLE XXVII.
REPEALS.

Section 2701. Specific Repeals.--The following acts and parts of acts and all amendments thereof are hereby repealed to the extent hereinafter specified.

The act, approved the nineteenth day of March, one thousand eight hundred four (Pamphlet Laws 298), entitled "An act to provide for the more effectual education of the children of the poor gratis," absolutely.

The act, approved the twelfth day of April, one thousand eight hundred seventy-eight (Pamphlet Laws 13), entitled "An act to authorize and provide for the payment of additional appropriations to school districts in certain cases," absolutely.

The act, approved the twenty-fifth day of May, one thousand eight hundred eighty-seven (Pamphlet Laws 271), entitled "An act extending the time for which indigent pupils may be taught in institutions for the instruction of the blind in this Commonwealth," absolutely.

The act, approved the sixteenth day of May, one thousand eight hundred ninety-five (Pamphlet Laws 72), entitled "An act to provide for the attendance of children in the schools of this Commonwealth and making an enumeration of children for that purpose; also providing compensation for the assessors making the enumeration and providing penalties for violations of this act," absolutely.

Sections twelve and twenty-one of the act, approved the eighteenth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 203), entitled "An act to provide for the more effectual protection of the public health in the several municipalities of this Commonwealth," absolutely.

The act, approved the twenty-seventh day of June, one

thousand eight hundred ninety-five (Pamphlet Laws 395), entitled "An act to prevent the wearing in the public schools of this Commonwealth, by any of the teachers thereof, of any dress, insignia, marks or emblems indicating the fact that such teacher is an adherent or member of any religious order, sect or denomination, and imposing a fine upon the board of directors of any public school permitting the same," absolutely.

The act, approved the twenty-eighth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 410), entitled "An act to authorize the publication of school laws and decisions," absolutely.

The act, approved the twenty-eighth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 412), entitled "An act to authorize and empower the trustees of any State Normal School now established within the Commonwealth of Pennsylvania, or which may hereafter be established, to enter into an agreement with the school directors of any school district by which the pupils of any such school district may be instructed at and in such State Normal School," absolutely.

The act, approved the eighth day of March, one thousand nine hundred one (Pamphlet Laws 49), entitled "An act relating to the study and practice of physical culture in the public schools," absolutely.

The act, approved the twenty-third day of May, one thousand nine hundred seven (Pamphlet Laws 225), entitled "An act providing for the payment of the premiums on bonds of county, city, borough, school district, and township employes," in so far as it confers powers or imposes duties on school districts.

The act, approved the thirteenth day of April, one thousand nine hundred eleven (Pamphlet Laws 63), entitled "An act to promote the consolidation of public schools," absolutely.

The act, approved the twelfth day of May, one thousand nine hundred eleven (Pamphlet Laws 294), entitled "An act to require fire drills in public schools," absolutely.

The act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," absolutely, except validations of past actions contained in any amendment thereof.

The act, approved the first day of May, one thousand nine hundred thirteen (Pamphlet Laws 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," absolutely.

The act, approved the twentieth day of May, one thousand nine hundred thirteen (Pamphlet Laws 226), entitled "An act regulating the reading of the Holy Bible in the public schools of this Commonwealth," absolutely.

The act, approved the thirteenth day of May, one thousand nine hundred fifteen (Pamphlet Laws 311), entitled "An act relating to appeals from the reports of auditors of school districts of the second, third, and fourth classes," absolutely.

The act, approved the twenty-eighth day of May, one thousand nine hundred fifteen (Pamphlet Laws 634), entitled "An act to create in Pennsylvania what shall be known as Bird Day, and requiring all teachers in our public schools, upon that day, to make a special effort in teaching the value of the life-work of birds to our people," absolutely.

The act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws 706), entitled "An act requiring the county commissioners to provide, at the expense of the county, a telephone, typewriter, and stenographer for the use of the county superintendent of schools," absolutely.

The act, approved the tenth day of May, one thousand nine hundred seventeen (Pamphlet Laws 158), entitled "An act to authorize counties, cities, boroughs, towns, townships, school districts, and poor districts to require a bond to protect labor and material-men, and providing for suits thereon by laborers and material-men furnishing labor and material in and about the erection, alteration, addition, and repair of public buildings," in so far as it confers powers or imposes duties on school districts.

The act, approved the sixteenth day of May, one thousand nine hundred nineteen (Pamphlet Laws 196), entitled "An act providing for the time during which pupils may be taught in institutions for the instruction of the blind in this Commonwealth," absolutely.

The act, approved the twenty-third day of May, one thousand nine hundred nineteen (Pamphlet Laws 288), entitled "An act designating Frances Willard Day in the public schools," absolutely.

The act, approved the eighteenth day of June, one thousand nine hundred nineteen (Pamphlet Laws 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools; and providing for State aid for the transportation of pupils to and from consolidated schools," absolutely.

The act, approved the eighth day of July, one thousand nine hundred nineteen (Pamphlet Laws 764), entitled "An act to provide instruction in citizenship and the principles of the government of the United States of America and of this Commonwealth to foreign born residents of the State of Pennsylvania, in the several counties thereof, who are not required to attend the public schools of this Commonwealth; providing for the appointment of instructors and interpreters; and providing for their compensation, payable by the several counties; and defining the powers and duties of such instructors and the county superintendents of schools," absolutely.

Sections five and seven of the act, approved the eighth day of July, one thousand nine hundred nineteen (Pamphlet Laws 784), entitled "An act empowering cities of the second and third classes, boroughs, and counties, to acquire, maintain, and operate playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers; authorizing school districts to join in the maintenance and operation of said activities; and authorizing the issue of bonds and the levy of taxes for such purposes," in so far as they confer powers or impose duties on school districts.

The act, approved the eighteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws 1044), entitled "An act to assist worthy young men and women graduates of secondary schools

of the State to obtain a higher education, and making an appropriation," absolutely.

The act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 837), entitled "An act authorizing the purchasing or building of residences for principals, teachers, or janitors by school districts of the fourth class," absolutely.

The act, approved the twentieth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 1034), entitled "An act to provide for the payment of moneys to school districts the taxes of which are reduced by the acquisition of lands and property by the Commonwealth for the conservation of water and to prevent flood conditions," absolutely.

The act, approved the twenty-third day of May, one thousand nine hundred twenty-three (Pamphlet Laws 351), entitled "An act to require the teaching of the Constitution of the United States in the public and private schools," in so far as it applies to public schools and State teachers' colleges.

The act, approved the eighteenth day of June, one thousand nine hundred twenty-three (Pamphlet Laws 838), entitled "An act empowering school districts to employ policemen," absolutely.

The act, approved the twenty-seventh day of April, one thousand nine hundred twenty-five (Pamphlet Laws 305), entitled "An act authorizing counties, cities, boroughs, incorporated towns, townships, and school districts to make contracts of insurance with mutual fire insurance companies duly authorized to transact business in the Commonwealth of Pennsylvania," in so far as it confers powers and imposes duties on school districts.

The act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 492), entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education, for boys and girls who are employed and for adults, as a function of the public schools of this Commonwealth; and to facilitate the proper organization and administration of such extension education," absolutely.

Section seven of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws 450), entitled, as last amended "An act relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings by owners and occupants thereof, including political subdivisions; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania State Police, and the enforcement of its orders; and prescribing penalties," absolutely.

The act, approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws 738), entitled "An act requiring counties, cities, boroughs, towns, townships, school districts, and poor districts, when fixing rates of taxation in mills, to express such rates also in dollars and cents," in so far as it imposes duties on directors of school districts.

The act, approved the eleventh day of April, one thousand

nine hundred twenty-nine (Pamphlet Laws 488), entitled "An act requiring county commissioners to provide, at the expense of the county, telephone, typewriter, and stenographic services for the county superintendent of schools," absolutely.

The act, approved the twenty-second day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 630), entitled "An act providing for the payment of counsel fees out of moneys recovered for counties, townships, boroughs, school districts, or poor districts, upon appeals from the county auditors' settlements of the accounts of public officers," in so far as it relates to school districts.

The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 660), entitled "An act providing for the observance of the birthday of William Penn, Founder of Pennsylvania; and repealing inconsistent legislation," in so far as it relates to public schools and other educational institutions under the Commonwealth.

The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 844), entitled, as amended "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts, vocational school districts, and institution districts to make contracts of life, health, hospitalization, medical services, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," in so far as it relates to school districts.

The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 845), entitled "An act authorizing the publication of advertisements for bids for public works, supplies or equipment in certain publications and journals devoted to information about construction work," in so far as it relates to school districts.

The act, approved the first day of May, one thousand nine hundred thirty-five (Pamphlet Laws 124), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," in so far as it relates to school districts.

The act, approved the fifth day of June, one thousand nine hundred thirty-five (Pamphlet Laws 275), entitled "An act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth," absolutely.

The act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1173), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," in so far as it relates to school districts.

The act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1321), entitled "An act requiring specifications for the construction, alteration, or repair of public works of the Commonwealth, county, municipality, or other subdivisions of the Commonwealth, to contain a provision that the laborers or mechanics employed thereon shall have been residents of this Commonwealth for at least ninety days prior to their employment; and prescribing

penalties," in so far as it relates to school districts.

The act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1349), entitled "An act providing for the purchase and for the distribution of vitamin products, as defined in this act, to certain pupils in the public schools; conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the Department of Property and Supplies, school districts, teachers, and medical inspectors of schools; and making an appropriation," absolutely.

The act, approved the sixteenth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 98), entitled "An act authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return in certain cases," in so far as it relates to school districts.

The act, approved the first day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education; and providing for referendum in certain cases," absolutely.

The act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2721), entitled "An act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses, and physicians; and placing certain costs on school districts; and making an appropriation," in so far as it confers powers or imposes duties or liabilities on school districts or on the Superintendent of Public Instruction.

Section four of the act, approved the nineteenth day of June, one thousand nine hundred forty-one (Pamphlet Laws 143), entitled "An act designating certain days of each year as Arbor Days and Bird Days, one of which days shall be the ninth day of April, except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week, and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers," absolutely.

The act, approved the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 560), entitled "An act authorizing and empowering school districts of the first and second class to furnish food, including milk, to undernourished and poor school children in their districts, and providing that the acceptance and distribution of surplus commodities furnished by the Federal Government to such school districts shall not affect or limit the provisions hereof," absolutely.

The act, approved the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 564), entitled "An act providing for the observance of a Bill of Rights Week in the

public schools of this Commonwealth," absolutely.

The act, approved the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 565), entitled "An act providing that when inmates of an orphans' home or other children's institution or private home are maintained at the cost of any county, other than a county of the second class, or at the cost of a county institution district, other than in a county of the second class, and attend public school, and are not legal residents of such school district, the county shall pay their tuition charges and collect the same from the school district liable therefor," absolutely.

The act, approved the first day of August, one thousand nine hundred forty-one (Pamphlet Laws 744), entitled "An act requiring school boards in all school districts, and boards of directors of all vocational school districts, to grant leaves of absence to all school employes who shall volunteer or be called for military or naval service in time of war or during a state of national emergency; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, eligibility lists, reemployment; authorizing school boards and boards of directors of vocational schools to employ substitutes in place of such employes; requiring school districts and vocational school districts to make additional payments into the School Employes' Retirement Fund; reserving all rights and privileges of employes granted leaves of absence under the provisions herein, and superseding or repealing all contrary laws," absolutely.

The act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1222), entitled "An act providing for the complete medical and dental examination of all children of school age, and teachers and other school employes in the public and private elementary and secondary schools of the Commonwealth; and imposing certain duties upon the Department of Health, and the Department of Public Instruction; and making an appropriation," absolutely.

The act, approved the twenty-fourth day of April, one thousand nine hundred forty-seven (Pamphlet Laws 113), entitled "An act to provide for the establishment, maintenance, operation and expansion of non-profit school lunch programs in schools in the Commonwealth of Pennsylvania," absolutely.

The act, approved the thirty-first day of May, one thousand nine hundred forty-seven (Pamphlet Laws 334), entitled "An act requiring that all meetings of legislative bodies of political subdivisions and of boards, commissions and authorities, created by or operating as agencies of political subdivisions at which ordinances, resolutions, rules, regulations and other actions are adopted to be open to the public; permitting the holding of executive sessions from which the public is excluded, but prohibiting the adoption of ordinances, resolutions, rules and regulations at such sessions," in so far as it applies to school districts. (Par. amended May 9, 1949, P.L.939, No.263)

Section 2702. General Repeal.--All other acts and parts of acts inconsistent herewith are hereby repealed.

Compiler's Note: The act of Dec. 19, 1975, P.L. , No.150, which amended sections 302.1, 633, 652.1 and 1003 also contained the following provisions:

> Section 5. The provisions of this act shall apply to school districts of the first class A only from the first Monday of December following the election of a board of

public education in accordance with section 302.1(a) of the "Public School Code of 1949."

Pennsylvania Department of Education 1979

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HASTINGS, MN